# Rural Municipality Of Elton

# ZONING BY-LAW

# THE RURAL MUNICIPALITY OF ELTON

# ZONING BY-LAW

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## BY-LAW NO. 1024

BEING A BY-LAW to regulate the use and development of land within the Rural Municipality of Elton.

WHEREAS, Section 40(1) of The Planning Act, Chapter 29, S.M., 1975, provides that a Zoning By-Law may be enacted by the Council of a municipality;

AND WHEREAS, pursuant to Section 26(4) of the said Planning Act, the Board of the Brandon and Area Planning District has by By-Law adopted a Development Plan;

AND WHEREAS, Section 30(1) of the same Act provides that a Zoning By-Law shall be prepared upon the adoption of a Development Plan;

AND WHEREAS, it is deemed desirable and expedient to repeal By-law Nos. 844 and 861, being by-laws of the Rural Municipality of Elton to adopt The Elton Planning Scheme 1972 and The Grand Valley Planning Scheme 1974 respectively, and all amendments thereto, and to substitute therefor a new Zoning By-law;

NOW THEREFORE, the Council of the Rural Municipality of Elton, in meeting duly assembled, enacts as follows:

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# PART ONE

# DEFINITIONS

## 1. RULES OF CONSTRUCTION

The following rules of construction apply to the text of this By-Law:

(1) Words, phrases and terms defined herein shall be given the defined meaning;

(2) Words, phrases and terms not defined herein but defined in the Act and the Building, Electrical or Plumbing By-Laws of the Rural Municipality of Elton shall be construed as defined in such Act and By-Laws;

(3) Words, phrases and terms neither defined herein nor in the Building, Electrical or Plumbing By-Laws of the Rural Municipality of Elton shall be given their usual and customary meaning except where, in the opinion of Council, the context clearly indicates a different meaning;

(4) The phrase "used for" includes: "arranged for"; "maintained for"; "designed for"; or "occupied for";

(5) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions "and", "or" or "either-or", the conjunctions shall be interpreted as follows:

a) "and" indicates that all the connected items, conditions, provisions or events shall apply;

b) "or" indicates that the connected items, conditions, provisions, or events may apply singly or in combination; and

c) "either-or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

(6) The word "includes" shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of like kind or character.

## 2. DIVISIONS OF BY-LAW

This By-Law is divided into seven (7) Parts. A number-lettering system has been used throughout the By-Law. This number-lettering system is illustrated as follows:

| | |
|---|---|
| ONE | Part |
| 1. | Section |
| 1. (1) | Subsection |
| 1. (1) a) | Paragraph |
| 1. (1) a) i) | Clause |
| 1. (1) a) i) A) | Point |

## 3. DEFINITIONS

(1) **Accessory** when it is used in this By-law, shall have the same meaning as accessory use.

(2) **Accessory Building** means a subordinate building located on the same site as the principal building or use, the use of which is incidental and accessory to that of the principal building or use including:

a) **Accessory Building, Attached** means an accessory building which is attached to the principal building and in determining the required yards, the attached accessory building shall be treated as being part of the main building;

b) **Accessory Building, Detached** means an accessory building which is not attached to the principal building and in determining the required yards, the requirements for accessory uses, building and structures as shown in the Bulk Requirements Tables shall be used; and

c) **Accessory Building, Semi-detached** means an accessory building which is attached to the principal building by a structure such as, but not limited to, a breezeway. The required yards for a semi-detached accessory building shall be determined in the same manner as in paragraph a) above.

(3) **Accessory Use or Structure** means a use or structure on the same site with, and of a nature customarily incidental and subordinate to, the principal use or structure. The single exception to the above is accessory off-street parking facilities which may be permitted by variation to locate elsewhere than on the same site with the principal building, structure or use served.

(4) **Act, The** means The Planning Act, S.M. 1975, Chapter 29, being CHAPTER P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.

(5) **Agricultural Activities** means a use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

(6) **Aircraft Landing Area** means any area of land or water which is intended for use for the landing or take-off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including taxiways, aircraft storage and tie-down areas, hangars and other related buildings, structures and open spaces.

(7) **Alter or Alteration** means a change or modification to an existing building, structure or use which, unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.

(8) **Alterations, Incidental** means:

a) Changes or replacements in the non-structural parts of a building or structure, including the following:

i) an addition to the exterior of a building, such as an open porch;

ii) alteration of interior partitions of buildings; or

iii) replacement of, or changes in, the capacity of utility pipes, ducts or conduits.

b) Changes or replacements in the structural parts of a building, including the following:

i) adding or enlarging windows or doors in exterior walls;

ii) replacement of building facades; or

iii) strengthening the load-bearing capacity, in not more than ten (10) percent of the total floor area, to permit the accommodation of a specialized unit of machinery or equipment.

(9) **Antenna, Satellite Dish** means an antenna capable of receiving a signal directly from a satellite located beyond a major portion of the earth's atmosphere and for the purpose of this By-law, will be considered to be a structure even if it is mounted upon a trailer or other movable platform.

(10) **Area, The** means all the land within the boundaries of the Rural Municipality of Elton.

(11) **Automobile Body Shop** means a building wherein the repair and painting of automobiles takes place.

(12) **Automobile, Boat or Trailer Sales and Service** means an open area used for the display, sale or rental of new or used automobiles, boats or trailers, and where repairs are made, they shall be done within a completely enclosed building, except minor incidental repairs of automobiles, boats or trailers.

(13) **Automobile Laundry** means a building or portion thereof wherein facilities are provided for the washing, cleaning and polishing of motor vehicles.

(14) **Automobile Service Station** means a building or portion thereof and land used for supplying fuel, oil and minor accessories and making repairs to motor vehicles at retail directly to the customer.

(15) **Automobile Wrecking** means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

(16) **Basement** (or cellar) means that portion of a building which is partly underground.

(17) **Board** means the Board of The Brandon and Area Planning District as established under the Act.

(18) **Building** means a building as defined in the Act.

(19) **Building, Height Of** means the total number of storeys in a building or the vertical distance measured from grade to the highest point of the roof surface if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof.

(20) **Building, Principal** means a building in which is conducted the principal use of the site on which it is situated.

(21) **Bulk** means the following:

a) The size of buildings or structures (including height of building and floor area);

b) The size of the site (including its area and width) upon which a building is located;

c) The number of dwelling units or rooms within a building in relation to the size of the site;

d) The location of exterior walls of buildings in relation to site lines, or to other buildings; and

e) All open areas relating to buildings or structures and their relationships thereto.

(22) **Camping and Tenting Grounds** means an area of land planned and improved to accommodate travel trailers, camping trailers, pick-up coaches, motorized homes, tents, tent trailers or other camping accommodations used for travel, recreational and vacation uses.

(23) **Cemetery** means land for the burial of the dead and dedicated for cemetery purposes, including pet cemeteries, columbaria, crematoria, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

(24) **Child Care Services** means the provision of care for remuneration or reward to a child apart from his or her parents or guardians for a period in any one day exceeding three (3) hours but not exceeding fourteen (14) hours, including:

a) **Home day care** means the provision of child care services in a family dwelling unit, in which the owner or tenant resides, or churches or parish halls, to children, including the children of the owner or tenant, not over twelve (12) years of age. The number of children shall not exceed eight (8), having access to an outdoor recreation area; and

b) **Group day care** means the provision of child care service to nine (9) or more children not over the age of twelve (12) in a provincially licensed facility with access to an outdoor recreation area.

(25) **Church** means a building or structure, or group of buildings or structures which are primarily intended for the conducting of organized religious services and accessory uses such as church offices and manses associated therewith.

(26) **Club, Private, Non-Profit** means a non-profit corporation chartered by The Canada Corporation Act or The Manitoba Corporation Act, or an association consisting of persons who are bona fide members paying annual dues, which owns, or leases a building or portion thereof; the use of such premises being restricted to members and their guests.

(27) **Conditional Use** means the conditional use of land or building as defined in the Act.

(28) **Council** means the Council of the Rural Municipality of Elton.

(29) **Development Officer** means the officer appointed by the District Board in accordance with the provisions of the Act.

(30) **Development Plan** means the Brandon and Area Planning District Development Plan adopted by By-Law No. 9/84 and amendments thereto.

(31) **Drive-in Establishment** means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles, which are driven onto the site where the customer may or may not receive service in the vehicle.

(32) **Dwelling** means a building or portion thereof designed for residential occupancy, including:

a) **Single-Family Dwelling** means a detached building designed for and used by one (1) family;

b) **Two-Family Dwelling** means a detached or semi-detached building designed for and used by two (2) families, each having exclusive occupancy of a dwelling unit;

c) **Mobile Home** means a portable dwelling unit which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted and which conforms to the structural standards of The Building and Mobile Homes Act, Chapter B93, S.M. 1977 and amendments thereto;

d) **Modular Home** means a portable dwelling unit similar to but distinct from a mobile home, in that it may be folded, collapsed or telescoped when in tow, whose chassis is not designed to accommodate wheels, but which may be extended for additional space when located on a mobile home space;

e) **Multiple-Family Dwelling** means a building containing three (3) or more dwelling units, each unit designed for and used by one (1) family, each having exclusive occupancy of a dwelling unit; and

f) **Ready-to-Move Unit (R.T.M.)** means a dwelling fabricated off-site and in accordance with Part 9 of The Manitoba Building Code, which is designed to be placed upon a basement or cement foundation and does not include a modular unit or mobile home.

(33) **Dwelling, Farm** means a dwelling in which the owner or occupant derives his or her chief source of livelihood from the activity of farming.

(34) **Dwelling Unit** means one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.

(35) **Enlargement** means an addition to the size of an existing building or structure or an increase in the area of a site.

(36) **Extension** means an increase in the amount of existing floor area used for an existing use, within an existing building.

(37) **Family** means one or more persons related by blood or marriage or common-law marriage, or a group made up of not more than three (3) persons who may not be related by blood or marriage, living together as a single housekeeping unit.

"Family" also includes domestic servants.

"Common-law" means a man and a woman living together as a family without the sanctity of marriage.

A housekeeping unit, referred to above, shall be deemed to exist if all members thereof have access to all parts of the dwelling unit.

(38) **Farm Buildings or Structures** means any buildings or structures existing or erected on land used primarily for agricultural activities but not including dwellings.

(39) **Farm Site** means an area of land that was used or is being used as the place of residence of the owner and/or operator of a farm, and shall contain two of the following features:

a) an existing farm dwelling or evidence that a farm dwelling formerly existed on the site;

b) a well that is or has been used for domestic purposes; and/or

c) an existing shelter belt or tree bluff.

(40) **Floor Area** (as applied to bulk regulations) means the sum of the gross horizontal areas of the several floors of all buildings and structures on the site, measured from the exterior faces of the exterior walls or from the centreline of party walls. The floor area of a building or buildings shall include basements when used for residential, commercial or industrial purposes, but shall not include space used for storage or the housing of mechanical or central heating equipment, and accessory off-street parking spaces.

(41) **Frontage, Entire** means all of the site or sites fronting on one side of a street between intersecting or intercepting streets or between a street and a right-of-way, waterway, end of a dead-end street or municipal boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

(42) **Garage or Carport, Private** means an accessory building or portion of a principal building, if attached, used by the occupants of the premises upon which it is located for the parking or temporary storage of private passenger motor vehicles and may also include the incidental storage of other personal property.

(43) **Home Occupation** means an accessory use which:

a) is carried on in a dwelling unit or mobile home or its accessory building, except as provided for herein;

b) is carried on solely by the members of the family residing at the same dwelling unit or mobile home without the employment of other persons, except as provided for herein;

c) is incidental to or secondary to the use of the dwelling unit or mobile home;

d) has no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the principal or accessory building, except as provided for herein;

e) in the opinion of the Council, is not offensive or obnoxious nor creates a nuisance; and

f) does not cause the generation of undue traffic and congestion in the neighbourhood.

(44) Hotel means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. Accessory uses include; restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

(45) House, Boarding, Lodging or Rooming means a building or portion thereof, other than a hotel or motel, without cooking facilities, where lodging, or lodging and meals are provided for compensation, exclusive of the proprietors and their family.

(46) Junk Yard means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled. A junk yard includes an automobile wrecking or dismantling yard but does not include uses established entirely within an enclosed building.

(47) Kennel means any premises upon which more than two (2) dogs or cats at least four (4) months of age are boarded, bred, trained or cared for in return for remuneration or are kept for the purpose of sale. A kennel shall not include a veterinary clinic, animal hospital or animal pound.

(48) Lane means, for the purpose of this By-Law, a public right-of-way not exceeding thirty (30) feet in width which affords only a secondary means of vehicular access to abutting property.

(49) Livestock Production Operation means any agricultural operation where animals are fed in pens, buildings or in areas (enclosures) not normally used for grazing or pasturing of livestock.

The following are not subject to the requirements for livestock production operations unless, in the opinion of the Council, they create a pollution problem:

a) Cattle wintering operations;

b) Livestock auction markets;

c) Agricultural fairs; or

d) Livestock sale yards, in which livestock may be kept for a period not exceeding ten (10) days.

(50) Livestock Waste Unit or L.W.U. means an amount of animal waste or waste equivalent, as set out in Section 11 of PART FIVE of this By-law.

(51) Lodge means a hall or meeting place of a local branch for the members of a fraternal order or society such as Masons, Knights of Columbus, Elks, Eagles and similar organizations.

(52) Mobile Home Park means a parcel of land upon which mobile home spaces are provided and have been approved by Council.

(53) Mobile Home Space means a space in a mobile home park for the placement of a mobile home.

(54) Motel means a building or group of buildings, or part thereof, not over two (2) storeys in height wherein sleeping accommodation is provided for transient lodgers and in which there is an exit from each room or suite of rooms directly to the out-of-doors with access to grade level. Permitted accessory uses include; restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

(55) Non-conformity means, for the purposes of this By-law, the definition assigned thereto in Section 10 of PART TWO - "ADMINISTRATION".

(56) Ordinary High Water Mark means the water line where a river, lake or watercourse is in its normal state, without reference to the extraordinary freshets of the winter or spring or the extreme drought of the summer or autumn.

(57) Owner means an owner as defined in the Act.

(58) Parcel of Land means a parcel as defined in the Act.

(59) Parking Space means an open area of land other than a street or lane or an area within a structure used for the parking of vehicles.

(60) Personal Services means the use of any building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and includes such establishments as barber shops, salons, funeral parlours, janitorial, catering, financial, legal and medical services (including clinics), shoe repair and dressmaking shops.

(61) Premises means an area of land with or without buildings.

(62) Public Utility means any system, works, plant, equipment or services which furnishes services and facilities available at approved rates to or for the use of the general public, including:

a) Communication, by way of telephone, telegraph, wireless or television;

b) Public transportation, by bus or other vehicle;

c) Production, transmission, delivery or furnishing of water, gas or electricity to the public at large; or

d) Collection of sewage, garbage or other waste.

This does not include offices or areas for the storage of equipment, supplies or vehicles.

(63) **Residential Care Facility** means the use of any building or part of a building, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision or transitional services to persons not related by blood, marriage or adoption to the operator nor to each other but does not include a facility which is licensed or designated by the Manitoba Health Services Commission.

(64) **Retail Services** means the use of a building or part of a building by persons who are engaged in the sale of goods to customers, and includes uses such as hardware, mail order, clothing, appliances, electronics, books, gifts and second hand goods, and may include incidental repairs.

(65) **Sign** means any writing (including letter, word or numeral) pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), banner, pennant or any other figure of similar character which is a structure or any part thereof, or is attached to, painted on or in any other manner represented on or in a building or structure, but shall not include show windows, including:

a) **Advertising Sign** means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same site where the sign is maintained;

b) **Bulletin Board** means a sign of permanent character, but with movable letters, words or numerals indicating the names of persons associated with, or events conducted upon the same site where the sign is maintained.

c) **Business Sign** means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same site where the sign is maintained;

d) **Construction Sign** means a sign which identifies a construction project and information relating to it;

e) **Identification Sign** means a sign that identifies the owner, resident or the street address of a premise and which sets forth no other advertisement; and

f) **Real Estate Sign** means a sign advertising the sale, rental or lease upon the same site where the sign is maintained.

(66) Site means an area of land which:

a) is occupied or intended to be occupied by a principal use or by a use of a building or group of buildings, together with accessory buildings and structures as are provided for herein, along with such open spaces as are required by this By-law;

b) has frontage on a street, or has any lawful means of access satisfactory to Council; and

c) is of sufficient size to provide for the minimum requirements of this By-law for a permitted or conditional use in a zone where the use is located.

(67) Site Area means the computed area contained within the site lines.

(68) Site, Corner means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

(69) Site Frontage means all that portion of a site fronting on a street and measured between side site lines.

(70) Site Lines means as follows:

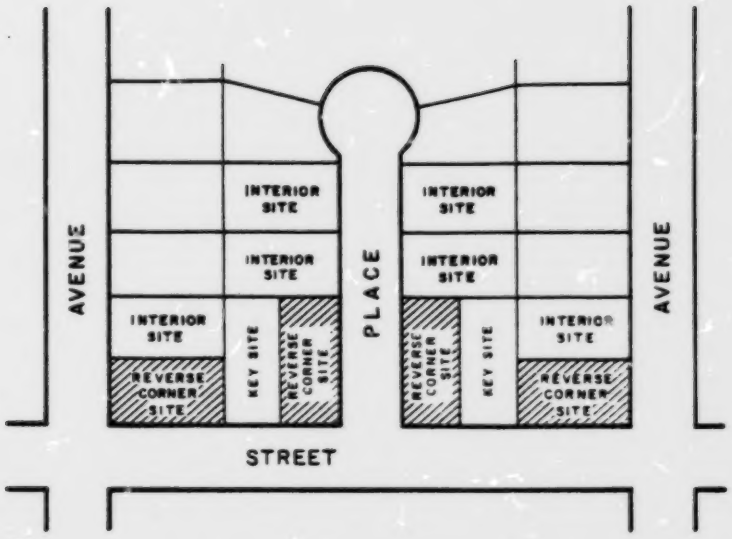
a) Front Site Line means that boundary of a site which is along an existing or designated street. For a corner site, the Development Officer may select the front site line except where an interior site abuts the corner site, then the front site line shall be that line which is the continuation of the front site line of the interior site;

b) Rear Site Line means that boundary of a site which is most nearly parallel to the front site line, and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front side line; and

c) Side Site Line means any boundary of a site which is not a front or rear site line.

Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be as determined by the Development Officer.

(71) Site, Reverse Corner means a corner site, the flanking street line of which is substantially a continuation of the front site line of the first site to its rear.




(72) Site, Through means a site having a pair of opposite site lines along two (2) more or less parallel streets. On a through site, both street lines shall be deemed to be front site lines.

(73) Site Width means the horizontal distance between the side site lines, measured at right angles to the side site lines, or forty (40) feet from the front site line, whichever is the lesser.

(74) Specialized Agricultural Activities means agricultural activities such as apiculture, floriculture, horticulture (including strawberry farms) and activities of a like nature which require small acreages of land as the principal use of the site and which are deemed to be bona fide farming operations.

(75) Stable, Private means a detached accessory building for the keeping of cattle or horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

(76) Stable, Public means a stable other than a private stable.

(77) Street means, for the purposes of this By-law, a public right-of-way, including a highway, which affords primary improved vehicular access to abutting property, and shall include a street under construction for which a development agreement has been entered into. This definition shall not include a lane or walk-way.

(78) Structure means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, signs, billboards, poster panels, light standards and similar items.

(79) Travel Trailer means a portable living accommodation designed to be used as accommodation for travel, recreation or vacation purposes that:

a) Is capable of being transported on its own chassis and running gear by towing or other means;

b) Is placed on the chassis or body of a motor vehicle; or

c) Forms part of a motor vehicle.

(80) Travel Trailer Park means the same as camping and tenting grounds.

(81) Use means:

a) Any purpose for which a building or structure or an area of land may be designed, arranged, intended, maintained or occupied; or

b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or structure or on an area of land.

(82) Yard means an open area on the same site with a building or structure which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein.

(83) Yard, Required means a yard extending along a site line or wall to a depth or width (measured from the site line) specified in the yard requirement for the zone in which such site is located.

(84) Yard, Corner Side means a side yard which adjoins a street.

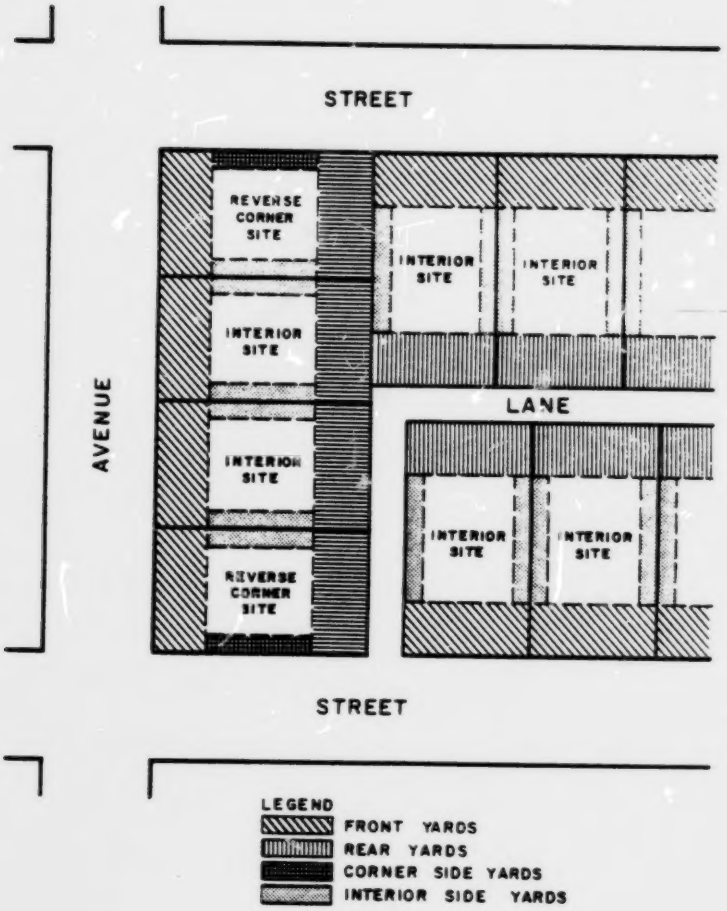
(85) Yard, Front means a yard extending along the full length of the front site line between the side site lines.

(86) Yard, Interior Side means a side yard which is adjacent to another site, or to a lane separating such side yard from another site.

(87) Yard, Rear means a yard extending along the full length of the rear site line between the side site lines.

(88) Yard, Side means a yard extending along the side site line from the front yard to the rear yard.

The following sketch illustrates the foregoing definitions of yards:



# PART TWO

# ADMINISTRATION

## 1. SCOPE

### (1) Title

This By-Law shall be known as "The Rural Municipality of Elton Zoning By-Law."

### (2) When Effective

This By-Law shall be in full force and effect when it is given third reading by the Council of the Rural Municipality of Elton.

### (3) Area Affected

This Zoning By-Law shall apply to all of the lands within the Rural Municipality of Elton.

### (4) Intent and Purpose

The regulations and provisions established by this By-Law are deemed necessary in order to:

a) Implement the objectives and policies of the Brandon and Area Planning District Development Plan;

b) In accordance with the provisions contained herein, regulate the following:

i) All buildings and structures erected hereafter;

ii) All uses of buildings, structures and land established hereafter;

iii) All structural alterations or relocations of existing buildings and structures occurring hereafter;

iv) All enlargements or additions to existing buildings, structures or uses; and

v) The change of use of land, buildings or structures.

### (5) Responsibilities of Council

Subject to the provisions of the Act, the Council is responsible for:

a) The enactment of this By-Law;

b) The adoption of amendments or the repeal of this By-Law;

c) Acting as a Variation Board;

d) Approving or rejecting conditional use applications, and may revoke the authorized conditional use for any violation of any conditions imposed by it; and

e) Establishing a schedule of fees as provided for in Section 14 of this PART.

(6) Responsibilities of the Board

Subject to the provisions of the Act, the Board is responsible for:

a) Administering and enforcing the provisions of this By-Law;

b) Administering and enforcing those provisions of the Act, where applicable;

c) In accordance with Section 21 (2) of the Act, establishing a schedule of fees and charges for permits. Until all applicable fees and charges have been paid in full, no action shall be taken on any application; and

d) Processing applications to be submitted to Council for amendments, variation orders and conditional uses and the collection of fees as provided for herein.

2. PLANNING ADVISORY COMMITTEES

Planning advisory committees may be established in accordance with the provisions of the Act.

3. AMENDMENTS

(1) Procedure

Subject to the procedure required under the Act, an amendment to this By-Law may be initiated by a resolution of intention by the Council, or by application of one or more owners of the property or their agents within the area proposed to be changed. An application to amend the By-law and all required information and fees as determined by Council shall be made to the Board.

(2) Decision By Council

Council shall notify the applicant four (4) days in advance of the meeting, at which time it shall review all of the facts presented, and any representation by the applicant, study the facts presented, make its findings and determination in writing, and shall transmit a copy thereof to the applicant. If Council approves the application, it shall proceed with the adoption of the amendment in accordance with the provisions of the Act.

## 4. CONDITIONAL USES

(1) The development and execution of this By-Law are based upon the division of the area affected into zones within which zones the use of land and buildings and structures in relation to the land are substantially compatible. It is recognized, however, that there are certain uses deemed conditional uses which, because of their unique characteristics, cannot properly be classified in any particular zone or zones without consideration, in each case, of the impact of those uses upon neighbouring land and of the public need for the particular use at the particular location. Such uses fall into two categories:

a) Uses publicly operated or traditionally associated with the public interest; and

b) Uses entirely private in character but of such a nature that their operation may give rise to unique problems with respect to their impact upon neighbouring property or public facilities.

(2) Application

a) An application for a conditional use shall be processed and approved or rejected in accordance with the provisions of the Act.

b) The application made to Council shall be filed with the Board and shall be accompanied by a site plan and other information as the Council may prescribe and such fees as determined by Council.

(3) Expiry of Approval

The approval of Council in accordance with the provisions of the Act shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision, unless it is renewed at the discretion of Council for an additional period not exceeding twelve (12) months.

(4) Existing Conditional Use

Where an existing use is classified as a permitted or conditional use under The Grand Valley District Planning Scheme 1974 or amendments thereto, and is listed as a conditional use under this By-law, it shall be considered as a legally existing conditional use.

(5) Change in Conditional Use

Any extension of an existing conditional use shall be subject to the same provisions for a new conditional use as provided in the Act.

## 5. VARIATIONS

(1) Any person may apply for a variation order, in accordance with the provisions of the Act.

(2) An application for a variation order and all required information and fees shall be made to the Development Officer.

## 6. DEVELOPMENT AGREEMENTS

Where an application is made for the amendment of this By-Law, the Council may require the owner or the person entitled to be registered as owner of the land, building or structure to which the amendment shall apply, as a condition to its enactment, to enter into a development agreement with the R.M. of Elton in respect of that land as well as contiguous land owned or leased by the applicant. The provisions of said agreement shall be in accordance with the Act.

## 7. THE DEVELOPMENT OFFICER

(1) Duties and Responsibilities

The development officer, on behalf of the R.M. of Elton, may:

a) issue development permits where the development and use of land, buildings or structures conforms to the adopted Development Plan and the provisions of this By-Law and amendments thereto;

b) administer and enforce the provisions of this By-Law;

c) administer and enforce the provisions of the Act, where applicable; and

d) take no action on any application until all applicable fees and charges have been paid in full.

(2) Powers

The Development Officer may:

a) Enter any buildings or premises at all reasonable hours in the performance of his duties with respect to this By-Law;

b) Issue development permits for the temporary use of buildings, structures or land pursuant to the provisions of this By-Law;

c) Issue zoning memoranda or such other documents necessary for the administration and enforcement of this By-Law; and

d) Grant or refuse, in his discretion and in accordance with the provisions of The Act, a minor variation not to exceed ten (10) percent of the requirements of this By-law governing front, side, rear and any other yard.

## 8. DEVELOPMENT PERMITS

### (1) Permit Required

The owner or his agent shall obtain all necessary permits as required by Council and other government agencies.

### (2) When Required

a) Subject to subsection (3) of this Section, a development permit is required for the following:

i) The erection, construction or placement of buildings and structures;

ii) Structural alterations, including additions to buildings and structures;

iii) The relocation, removal or demolition of buildings and structures;

iv) The use of land for the purpose of extracting sand and gravel;

v) The use of vacant land, buildings and structures; and

vi) The change in use of land, buildings and structures.

### (3) When Not Required

A development permit is not required for the following:

i) The erection, construction or placement of fences, signs (except advertising signs), ornamental lighting, and farm buildings and structures;

ii) Structural alterations, including enlargements and incidental alterations to farm buildings and structures;

iii) The relocation, removal or demolition of farm buildings and structures;

iv) The use of vacant farmland, farm buildings and structures for permitted agricultural activities; and

v) The change in use of land, buildings and structures from one permitted agricultural activity to another.

### (4) Requirements

In addition to the requirements of any By-laws of the Brandon and Area Planning District or the R.M. of Elton or any other provincial regulations, all applications for development permits shall:

a) Be accompanied by a plan drawn to scale, showing the actual dimensions and shape of the site to be built upon; the exact size and location on the site of buildings already existing, if any, and the location and dimensions of the proposed building, enlargement or structural alteration; and

b) Include such other information as may be required by the Council or Board, including: existing or proposed use of the building and land; the number and location of automobile parking spaces and loading spaces; the number of families, dwelling units or rental units the building is designed to accommodate; conditions existing on the site; current copies of relevant titles, easements, caveats; a surveyor's certificate prepared by a Manitoba Land Surveyor, and such other matters as may be necessary to determine conformance with or provide for the enforcement of this By-Law.

(5) No person shall erect, locate, repair, use, or occupy any building, land or structure contrary to any development permit or the material furnished in support of the application.

## 9. BUILDING PERMITS

### (1) Permits Issued Prior to By-Law

Unless otherwise provided for herein, building permits issued prior to the effective date of this By-Law shall be considered valid for the purpose of this By-Law provided all the conditions under which the permit was issued are complied with.

### (2) Building to be Moved

No building or structure shall be moved in whole or in part to any location unless every portion of the building or structure is made to conform to the regulations of this By-Law applying to the zone in which it is located or where a variation order has been issued pursuant to the provisions of the Act.

## 10. NON-CONFORMITY

### (1) Definition

"Non-Conformity" means one, or a combination of one or more, of the following:

a) An area of land;

b) A building or structure;

c) A use of a building or structure; or

d) A use of land

which lawfully existed prior to the effective date of this By-Law or amendments thereto, but which does not conform to the provisions contained within this By-Law or amendments thereto.

(2) Classification

a) Non-Conforming Area of Land

A "non-conforming area of land" means any lawful parcel which does not comply with the site area or site width requirements on the effective date of this By-Law, or amendments thereto, and was on record in the Land Titles Office and in separate ownership prior to the effective date of this By-Law or amendments thereto, and did not form part of a larger contiguous holding in the same ownership;

b) Non-Conforming Buildings or Structures

A "non-conforming building or structure" means any lawful building or structure which does not comply with one or more of the applicable zone bulk regulations of the zone in which it is located, either on the effective date of this By-Law or amendments thereto; and

c) Non-Conforming Use

"Non-conforming use" means any lawful use of a building, structure or a parcel of land, or portion thereof, which does not conform to one or more of the applicable use regulations of the zone in which it is located, either on the effective date of this By-Law or amendments thereto.

(3) Provisions Of The Act

Non-conforming uses, buildings and structures shall be regulated in accordance with and be subject to the provisions of the Act, unless otherwise provided for herein.

(4) Structural Alterations

Pursuant to Section 53(1) of the Act, a structural alteration may be made to a non-conforming building or structure, provided that the said alteration conforms to the regulations of this By-Law, or that such requirements are varied by a variation order.

(5) Repairs or Rebuilding

Pursuant to Section 53(3) of the Act, where Council determines that a building or structure is damaged or destroyed more than fifty (50) percent of its replacement value above its foundation, the said building or structure may be repaired or rebuilt, but only in conformance with this By-Law or its amendments, or where such regulations are varied by a variation order.

(6) Non-Conforming Area of Land

A building or structure may only be erected on a non-conforming area of land, or a non-conforming area of land may only be used if:

(a) The required yards are provided as set forth in the bulk regulations of the zone in which the land is located; or

(b) A variation order for such yard requirements is granted.

(7) Certificate and Fees

Any fees paid to the Development Officer for the issuance of a certificate in accordance with Section 51(1) of the Act shall be determined by Council.

## 11. INTERPRETATION AND APPLICATION

(1) Interpretation and Application

In their interpretation and application, the provisions of this By-Law shall be held to be the minimum requirements to satisfy the intent and purpose as set forth herein.

(2) Relation to Other By-laws

Whenever provisions of any By-Law of the R.M. of Elton or the Brandon and Area Planning District or any other regulations of the Provincial or Federal Governments impose overlapping regulations over the use of land, buildings or structures, the most restrictive or highest regulations shall govern.

(3) Previous Violations

Unless otherwise provided for herein, an existing building, structure or use which was illegal under the provisions of any planning scheme or zoning by-law in force on the effective date of this By-law and amendments thereto shall not become or be made legal solely by reason of the adoption of this By-law; and to the extent that, and in any manner that said illegal building, structure or use is in conflict with the requirements of this By-law, said building, structure or use remains illegal hereunder.

## 12. DUTIES OF THE OWNER

(1) Neither the granting of a development permit nor the approval of the drawing and specifications nor the inspections made by the Development Officer shall in any way relieve the owner of the responsibility of complying with the requirements of this By-Law or of any relevant By-Laws of the R.M. of Elton or of the Brandon and Area Planning District.

Every owner shall:

a) Permit the Development Officer to enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-Law and shall not molest, obstruct or interfere with the Development Officer in the discharge of his duties under this By-Law;

b) After the development application has been approved and the permit issued, obtain the written approval of the Development Officer before doing any work at variance with the approved documents filed; and

c) Be responsible for obtaining, where applicable, from the appropriate authorities, permits or licenses relating to the buildings, grades, sewers or water supply systems, plumbing, signs, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

13. **ENFORCEMENT**

The enforcement of this By-Law, or any resolution or Order enacted by the Council under the Act or any regulation made thereunder shall be in accordance with the Act.

14. **FEE SCHEDULE**

(1) Council shall by by-law establish a fee schedule for zoning amendments, conditional use orders, non-conforming certificates and other appropriate documents.

(2) The Council shall by by-law establish a fee schedule for variation orders, and fees for variation orders approved by the development officer pursuant to subsection (2) of Section 7 of this PART.

(3) The Board shall by by-law establish a fee schedule for development permits and zoning memoranda.

15. **REPEAL**

By-law Nos. 844 and 861, being by-laws of the Rural Municipality of Elton to adopt The Elton Planning Scheme 1972 and The Grand Valley Planning Scheme 1974 respectively, and all by-laws adopted by the Council of the Rural Municipality of Elton from time to time amending the said Planning Schemes are hereby repealed.

# PART THREE

## GENERAL PROVISIONS

1. INTENT

The general provisions contained in this PART shall apply to all zones except wherein otherwise provided.

2. PROJECTIONS INTO REQUIRED YARDS

(1) The following items may be located in a required yard:

a) trees, shrubs and gardens;

b) fences, walls and retaining walls;

c) flagpoles, accessory signs and lighting fixtures; and

d) sidewalks, driveways and parking spaces,

except that in no case may a wall, fence or planting create a wall-like effect higher than three and one-half (3.5) feet in the front yard or six (6) feet in the side or rear yards.

(2) The following items may project into a required yard:

a) open, unenclosed and uncovered porches, decks, terraces, balconies, fire escapes and stairways; and

b) architectural features including chimneys, bay windows, alcoves, canopies, awnings, eaves and gutters.

3. ONLY ONE PRINCIPAL BUILDING OR USE PER SITE

There shall be only one principal building or one principal use on a site except wherein otherwise stated.

4. MULTIPLE USES

Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict such as in the case of site area and frontage, the higher or more stringent requirement shall prevail.

5. BUILDING REMOVAL

Upon completion of removal or demolition of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be levelled and the site shall be put in a safe and sanitary condition to the satisfaction of the Development Officer.

6. **BUILDING GRADE**

All new main buildings shall have a ground surface elevation as approved by the Development Officer.

7. **FRONT YARD EXCEPTIONS**

Where sites comprising forty (40) percent or more of the entire frontage of the block (excluding reverse corner sites) are developed with buildings, the average front yard depths established by such buildings shall establish the minimum front yard depths for the entire frontage of the block, provided such average is less than the minimum front yard required in the zone in which the site is located, except where the sites on both sides of the subject site have been developed, in which case the front yard may be varied to the average of the two adjacent front yards if that average is less than the required front yard.

8. **MUNICIPAL SERVICE CONNECTION**

All principal buildings constructed or located on a site or mobile home space serviced by public or private sewer, water or hydro distribution shall be connected to such services. Septic tank or chemical disposal systems may be installed subject to the approval of all of the authorities having jurisdiction.

9. **ACCESSORY OFF-STREET PARKING AND LOADING**

(1) All accessory off-street parking and loading areas and spaces shall be on the same site as the use served;

(2) Accessory off-street parking and loading areas, spaces and the access driveways thereto shall be designed in such a manner that there will be no free flow of water onto adjacent properties;

(3) When a building is enlarged or a use extended or changed, the accessory parking and loading requirements for the enlargement, extension, or new use shall be provided in accordance with the requirements of this Section and those of the specific zone involved;

(4) An accessory off-street parking space shall be a minimum of eight (8) feet wide and twenty (20) feet long; and

(5) A minimum of one (1) parking space shall be provided for each dwelling unit.

10. **ACCESSORY BUILDINGS, STRUCTURES AND USES**

Any use or building which is permitted or may be approved by virtue of this By-Law includes any building, structure or use accessory thereto subject to the fulfillment of all requirements contained herein.

## 11. SATELLITE DISH ANTENNA REQUIREMENTS

The following requirements shall apply to satellite dish antennas in the zones where they are permitted as accessory uses:

(1) In all zones where the dish is located on the ground or affixed to a pole attached to the ground:

a) a satellite dish antenna in a "GD" General Development Zone as provided in this By-law shall be located to the rear of the front wall of the principal building and on the same site as the principal building unless otherwise provided for elsewhere herein;

b) the maximum height of a satellite dish antenna shall be three (3) feet higher than the highest point of the roof of the principal building;

c) a satellite dish antenna shall not be located any closer to the side and rear site lines than five (5) feet; in the case of a corner side yard, the minimum distance from the site lines shall be ten (10) feet; and

d) in the case of a reverse corner site in a "GD" General Development Zone, a satellite dish antenna may be permitted in the rear yard provided that it is to the rear of the front wall of the principal building of the first site to its rear.

(2) In the case of multiple-family buildings of two (2) stories or more or of commercial, industrial or agricultural buildings:

a) a satellite dish antenna shall be permitted to be located on a roof of a principal building; and

b) the base of the satellite dish antenna shall not be higher than two (2) feet above the nearest point of the roof, and the dish shall not be located closer than one (1) foot from the edge of the building.

## 12. SIGNS

(1) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or any highway or street intersection or railroad grade crossing;

(2) No sign shall be placed in a manner that will obstruct visibility at an intersection of two roads or a road and a railway or in any manner which may create a danger to the public;

(3) No rotating beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purposes;

(4) No flashing signs shall be permitted in any zone without the approval of the Council. In any event, no flashing sign shall be permitted within three hundred (300) feet of any residential area or Provincial Roads and Provincial Trunk Highways;

(5) All signs and sign structures shall be kept in repair and in a proper state of preservation. Signs which have become obsolete because of discontinuance of the business, service or activity, and have not been removed or relocated within thirty (30) days following such condition, may be removed by the Municipality at the owner's expense;

(6) It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way belonging to the Municipality unless such right is established by agreement with the Municipality, and all signs shall adhere to all the setback requirements of the zone in which they are located;

(7) A change in the subject matter represented on a non-conforming sign shall not be considered a change in use, and a sign may be structurally altered, reconstructed or replaced in the same location and position provided that such structural alteration, reconstruction or replacement does not result in an increase in the sign's surface area; and

(8) The placing of a sign structure within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority.

13. TEMPORARY BUILDINGS AND USES

(1) May be permitted

(a) Notwithstanding any provisions contained elsewhere in this By-Law, temporary buildings, structures and uses for construction materials or equipment, both incidental and necessary to construction in the same zone may be permitted on a temporary basis subject to the issuance of a development permit and subject to such terms and conditions as may be required in each zone provided for herein; and

(b) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six (6) months and may not be renewed for more than two (2) successive periods at the same location.

(2) Size of Buildings

In all cases, temporary buildings and structures:

(a) May be used as office space for the contractor or developer;

(b) Shall not be used for human habitation, except as temporary accommodation for a caretaker or watchman; and

(c) Shall not be detrimental to the public health, safety, convenience and general welfare.

14. MOBILE HOME STANDARDS

All mobile homes must meet all structural standards as determined by The Buildings and Mobile Homes Act, Chapter B93, S.M. 1977 and amendments thereto.

15. BASEMENT DWELLING UNIT

A basement dwelling unit shall comply with the provisions of this By-law, the Buildings and Mobile Homes Act, Chapter B93, S.M. 1977 and any other By-law or Act having jurisdiction.

16. STREET, LANE OR ROAD FRONTAGE

The Council shall permit a use of land or buildings to be constructed upon sites having frontage on a private lane or road provided that said lane or road intersects with a street and where such private lane or road is not part of the site.

17. PUBLIC MONUMENTS AND STATUARY

Nothing in this By-Law shall be so interpreted as to interfere with the maintenance or erection of monuments, statuary, and similar structures.

18. RETENTION OF BULK REQUIREMENTS

(1) It shall be a continuing obligation of the owner to maintain the minimum site area, site width, yards and other open spaces required herein for any use as long as it remains in existence.

(2) Subdividing Land

No area of land shall hereafter be divided into sites, unless each site conforms with the regulations of the zone in which it is located.

(3) Area and Yard Requirements

Except wherein otherwise provided, the following shall apply in all zones:

a) The yard requirements shall be as set forth in the BULK TABLES as provided for herein;

b) Yards provided for a building or structure, existing on the effective date of this Zoning By-Law or amendments thereto, shall not be reduced, or further reduced, if already less than the minimum requirements of the zone in which the building or structure is situated; and

c) All yards and other open space required for any use shall be located on the same site as the use.

19. **REDUCED SITES AND YARDS**

Where a residual area of land has a site width, area, or as in the case of an existing developed site, a yard, less than the minimum site width, area or yard requirements of this By-law as a result of an acquisition of adjoining land or right therein in accordance with subsection 60(9) of the Act, the remaining site width, area or yard shall be deemed to comply with the requirements of this By-law.

20. **DWELLING UNIT LOCATION WITH RESPECT TO PUBLIC UTILITIES AND TRANSPORTATION FACILITIES**

(1) No dwelling unit shall be located within fifteen hundred (1500) feet of a sewage lagoon;

(2) No dwelling unit shall be located within thirteen hundred and twenty (1320) feet of a sanitary landfill site or an abandoned sanitary landfill site unless it can be demonstrated by a professional Engineer, registered in the Province of Manitoba, that there will be no migration of methane gas;

(3) No dwelling unit shall be located within fifty (50) feet from the edge of a right-of-way established for the transmission of high pressure natural gas or the transmission of hydro electricity in excess of one hundred (100) kilovolts; and

(4) No dwelling unit or other habitable building shall be located within one hundred (100) feet of the edge of a railway right-of-way.

21. **DESIGNATED HISTORICAL SITES**

A development permit for development of a site located adjacent to land designated as a "Historical Site" on Development Plan Map I, Appendix "A", shall not be issued unless the applicant can demonstrate to Council's satisfaction that the proposed development will not endanger or degrade the adjacent historical site.

22. **LANDS SUBJECT TO FLOODING AND EROSION**

(1) The intent of these provisions is to minimize the expense and hardship to individual property owners and the general public as a result of damages caused by flooding and erosion;

(2) The minimum separation of all permanent buildings from waterways shall be a distance equal to ten (10) times the height of the bank above channel grade, or two hundred (200) feet from the edge of the bank, whichever is greater;

(3) Notwithstanding the provisions contained herein, an applicant may be required to demonstrate to Council's satisfaction that, in the case where land is adjacent to a waterway, any development of such land will not be subject to flooding; and

(4) In areas that are subject to erosion, no development shall be permitted on land that will normally be eroded away within a 50-year period unless the applicant can demonstrate to Council's satisfaction that the erosion process will be halted.

# PART FOUR

# ZONES

## 1. ZONES ESTABLISHED

In order to carry out the intent and purpose set forth in Subsection (4) of Section 1 of PART TWO "ADMINISTRATION", the following zones are hereby established:

| | |
|---|---|
| "AG160" | Agricultural General Zone; |
| "GD" | General Development Zone; and |
| "CA" | Commercial Agriculture Zone. |

## 2. ZONING MAPS

The location and the boundaries of the zones listed in Section 1 above are shown upon the Zoning Maps attached hereto, marked as APPENDIX "A" to this By-Law. Said Zoning Maps form part of this By-Law. All notations, references and other information shown thereon, together with any amendments made by amending By-Laws from time to time and shown thereon, together with any amendments to boundaries in the case of any street, lane or public utility right-of-way closing, as provided in Section 3 of this PART, shall be as much a part of this By-law as if the matters and information set forth by the said Zoning Maps were fully described herein.

### (1) Dimensions and Scale

The scale and all dimensions of the Zoning Maps are in feet.

### (2) Registered Plans

All plan references on the Zoning Maps pertain to plans filed in the Brandon Land Titles Office.

### (3) Abbreviations

The abbreviations noted on the Zoning Maps and the text mean the following:

a) "Blk." means Block;

b) "Pcl." means Parcel;

c) "Pt." means Part;

d) "R" or "Rge." means Range;

e) "R.M. of" means the Rural Municipality of;

f) "Sec." means Section;

g) "Tp." or "Twp." means Township;

h) "W.P.M." or "W" means West of the Principal Meridian;

i) "C. T." means Certificate of Title;

j) "S.S." means Special Survey;

k) means Provincial Road;

l) means Trans-Canada Highway; and

m) means Provincial Trunk Highway.

3. **BOUNDARIES**

(1) Interpretation of Zone Boundaries

In the interpretation of the boundaries of the zones as shown on the Zoning Maps, the following rules shall apply:

a) Heavy broken lines represent the zone boundaries. Where the zone boundary is broken by the name of a street, it shall be construed that the boundary continues through the name of the street;

b) Notwithstanding that streets, lanes and public utility rights-of-way may be within zone boundaries, the regulations contained in this By-Law shall not be deemed to be applicable to said streets, lanes and public utility rights-of-way;

c) Boundaries indicated as following the centrelines of streets, highways or lanes shall be construed to follow such centrelines;

d) Boundaries indicated as following lot, site or property holding lines on a registered plan shall be construed as following such lot, site and property holding lines;

e) Boundaries indicated as following the Municipality's limits shall be construed as following the Municipality's limits;

f) Boundaries indicated as following the centreline of railway lines or railway rights-of-way or public utility lines or rights-of-way shall be construed to be midway between the main tracks or the centre of the right-of-way, as the case may be;

g) Boundaries indicated as following the edge of streams or rivers shall be construed as following the edge of said streams and rivers at the ordinary high water mark; and

h) If a street, lane or Municipal Road Allowance shown on the Zoning Map is lawfully closed, then the land formerly comprising the street, lane or Municipal Road Allowance shall be included within the zone of the land which surrounds it. If

the said street, lane or Municipal Road Allowance was a zone boundary between two or more different zones, then the new zone boundary shall be the former centre line of the closed street, lane or Municipal Road Allowance.

# PART FIVE

## AGRICULTURAL GENERAL ZONE

### 1. INTENT AND PURPOSE

The Agricultural General Zone established in this By-Law is intended to provide sufficient land in suitable locations to allow agricultural uses to occur in such a fashion as to maximize the use of agricultural land and minimize conflicts with non-agricultural uses. In order to carry out the intent and purpose of this section the following Zone is hereby established:

(1) "AG160" - AGRICULTURAL GENERAL ZONE.

This Zone provides for general agricultural uses and other uses related to or compatible with agriculture and which are carried out on large parcels of land.

### 2. GENERAL PROVISIONS

The general provisions applying to the AGRICULTURAL GENERAL ZONE are contained within this PART. Also applying to this PART are the provisions of PART ONE - "DEFINITIONS", PART TWO - "ADMINISTRATION", PART THREE - "GENERAL PROVISIONS", PART FOUR - "ZONES", and "APPENDIX A".

### 3. ACCESSORY USES, BUILDINGS AND STRUCTURES

(1) In the Agricultural General Zone, accessory uses, buildings or structures include the following:

a) A children's playhouse, garden house, private greenhouse, summer house, private conservatory and private swimming pools, open or enclosed;

b) A farm dwelling, including a single-family dwelling or a mobile home when on the same site with a permitted or conditional agricultural use;

c) Staff dwelling, to include a single-family dwelling, two-family dwelling, dormitory, and mobile home when on the same site with permitted or conditional agricultural use and other permitted or approved uses where, in the opinion of the Council, said dwelling is essential for the maintenance, operation and care of the permitted or conditional use;

d) Farm buildings or structures for the operation and maintenance of an agricultural activity;

e) Storage of goods used in or produced by agricultural activities on the same site with such activities, unless such storage is excluded by the zone regulations;

f) A private garage, carport, covered patio, toolhouse, shed, and other similar buildings for the storage of domestic equipment and supplies;

g) Incinerators and individual sewage disposal systems, subject to the authority having jurisdiction;

h) Home day care and group day care;

i) Home occupations;

j) Accessory signs as permitted and regulated in Section 8 of this PART and Section 12 of PART THREE - "GENERAL PROVISIONS";

k) Private communications utilities such as television and radio antennas, aerials or satellite dish antennas and other private utilities; and

l) Aircraft landing areas and related buildings for the keeping of aircraft.

(2) Accessory Buildings, Structures and Uses

Accessory buildings, structures and uses, except as otherwise regulated in this By-Law, shall be subject to the following regulations:

a) Where the accessory building or structure is attached to a main building, it shall be subject to, and shall conform to, all requirements of this By-Law applicable to the main building or structure;

b) Detached accessory buildings or structures shall not be located in any required front yard of the principal uses except as provided for elsewhere herein; and

c) In no instance shall an accessory building or structure be located within a dedicated easement right-of-way.

(3) Home Occupations

a) Notwithstanding the requirements of subsection 3(43) of PART ONE - "DEFINITIONS", a home occupation in an Agricultural General zone may include:

i) Employees who are not family members;

ii) Business signs when either free-standing or affixed to an exterior wall of a principal or accessory building or structure not excluding thirty-two (32) square feet in area; and

iii) Activities related to the home occupation which are conducted outside the residence or accessory buildings shall be deemed to be a conditional use on Table Five-1.

b) Not more than forty (40) percent of the gross floor area shall be devoted to home occupations in any dwelling unit or mobile home in the Agricultural General Zone.

c) One hundred (100) percent of accessory buildings may be devoted to home occupations in the Agricultural General Zone.

4. PERMITTED OBSTRUCTIONS IN A REQUIRED YARD

(1) Required yards, as provided for in TABLE FIVE-2 "AGRICULTURAL GENERAL ZONE BULK REQUIREMENTS", shall be maintained clear of obstructions except as follows:

a) Agricultural activities excluding buildings and structures;

b) Fences and hedges subject to the following:

i) no fence or hedge which may act as a wind break shall be located within 125 feet of the edge of any road allowance; and

ii) no fence or hedge which may act as a wind break or obstruction to visibility near an uncontrolled intersection shall be located within an area formed by the intersecting road lines and a straight line joining points on the said road lines one hundred and twenty-five (125) feet from the point of intersection of the road lines.

c) Temporary storage of vehicles and equipment incidental to a principal use; and

d) Satellite dish antennas, except that in no instance shall a satellite dish antenna be placed in a manner which will obstruct visibility at an intersection of two roads or a road and a railway or in any manner which may create a danger to the public.

5. NOXIOUS OR OFFENSIVE USES

Notwithstanding anything herein contained, no use shall be permitted in any zone under this PART which in the opinion of Council, may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise.

6. ONLY ONE DWELLING ON A NON-FARM SITE

Not more than one (1) one-family dwelling or one (1) mobile home and their accessory buildings or structures shall be permitted on a non-farm site as provided for in this PART.

7. MULTIPLE USES

With the exception of non-farm sites, any land or building in the Agricultural General Zone may be used for more than one (1) principal use provided the requirements of Section 4 of PART THREE - "GENERAL PROVISIONS" are met.

8. SIGN REGULATIONS

(1) The following types of signs are deemed to be accessory signs and shall be permitted in the Agricultural General Zone:

a) Signs posted by duly constituted public authorities in the performance of their public duties;

b) Flags or emblems of a political, civic, educational or religious organization;

c) Temporary signs as may be authorized by Council;

d) "No Trespassing" or identification signs not exceeding four (4) square feet;

e) Construction signs when placed on construction sites and not exceeding twenty-five (25) square feet;

f) Signs required for direction and convenience of the public including signs which identify restrooms or parking entrances or exits, not exceeding five (5) square feet in area;

g) Real estate signs not exceeding sixteen (16) square feet which advertise the sale, rental or lease of a building, structure, site, or part thereof;

h) Business signs not exceeding thirty-two (32) square feet; and

i) Bulletin boards up to a maximum size of thirty-two (32) square feet.

(2) Advertising signs not exceeding one hundred (100) square feet shall be a conditional use in the Agricultural General Zone and shall be as provided for in Table Five-2 of this PART;

(3) Unless otherwise provided for herein, signs shall be set back from a site line a minimum of three (3) feet; and

(4) In addition to the sign regulations of this PART, the provisions of Section 12 of PART THREE - "GENERAL PROVISIONS" shall apply to signs in the Agricultural General Zone.

9. AGRICULTURAL GENERAL ZONE USES TABLE

TABLE FIVE-1 "AGRICULTURAL GENERAL ZONE USES" lists all uses that are:

a) "P", Permitted; and

b) "C", Conditional.

in the Agricultural General Zone. All listed uses are subject to the provisions contained herein.

**TABLE FIVE - 1**

**AGRICULTURAL GENERAL ZONE USES**

| LEGEND: P - Permitted<br>C - Conditional | ZONE |
|---|---|
| USE | AG160 |
| Accessory Uses, Buildings and Structures, except: | P |
| - Home Occupations where outside storage or activities related to the home occupation are conducted outside | C |
| Advertisting Signs | C |
| Agricultural Activities: | |
| - General | P |
| - Specialized | P |
| - Livestock Production Operations as provided for in Subsection 11.(2) of this PART | C |
| Agricultural Auction Markets | C |
| Agricultural Exhibition Grounds and Fairs | C |
| Agricultural Industries including: | |
| - Abattoirs(a) | C |
| - Bulk Fertilizer Storage and Sales, including Anhydrous Ammonia | C |
| - Feed Pellet Plants | C |
| - Fertilizer Plants | C |
| - Grain Elevators | C |
| - Seed Cleaning Plants | C |
| Aircraft Landing Areas not deemed to be Accessory Uses | C |
| Camping and Tenting Grounds | C |
| Cemeteries, provided all other municipal and provincial regulations are adhered to | C |

(a) Abattoirs when located not closer than three (3) miles of a "GD" General Development Zone as provided for herein, or designated for Mobile Home Park purposes in Map II-1 of the Development Plan or for Residential or Mobile Home Park purposes in Map 12 of the Development Plan.

TABLE FIVE - 1 (Cont'd)

AGRICULTURAL GENERAL ZONE USES

| LEGEND: P - Permitted<br>C - Conditional | ZONE |
|---|---|
| USE | AG80 |
| Farm Implement and Farm Building assembly, sales, storage and service related to either the storage of grain (grain bins, augers) or to irrigation systems | C |
| Fur Ranches | C |
| Non-farm Dwellings as provided for in POLICY TWO-13 of CHAPTER II the Development Plan(b) | C |
| Recreation Facilities - Public and Private, excluding lodging, housekeeping or other similar overnight accommodation for members of any group or organization or the public, whether or not fees are charged for such accommodation | C |
| Residential Care Facilities within a dwelling unit where the owner or operator of the facility is a permanent resident for: | |
| - 4 or fewer persons who are post-mentally ill, mentally retarded or otherwise developmentally disabled or who are wards of or under a child-caring agency as defined by the Child Welfare Act | P |
| - 10 or fewer persons except as provided above | C |
| Sand and Gravel Extraction Operations: | |
| Existing | P |
| New | C |
| Schools, Churches and Community Halls | P |
| Senior Citizen Homes and related facilities | C |
| Stables and Riding Academies | C |
| Temporary Buildings and Uses (See Section 13 of PART THREE - "GENERAL PROVISIONS") | P |

(b) Provided the use of the site will not, in the opinion of Council, create a conflict with the surrounding Agricultural activities or in any way restrict the activities of a farming operation, including livestock production operations, and provided the use has been in existence for at least seven (7) years, effective July 13th, 1981.

TABLE FIVE - 1 (Cont'd)

AGRICULTURAL GENERAL ZONE USES

| LEGEND: P - Permitted<br>C - Conditional | ZONE |
|---|---|
| USE | AG80 |
| Veterinary Clinics, Animal Kennels and Shelters | C |
| Waste disposal grounds and public and private sewage lagoons | C |
| Welding Shops when related to the repair of farm machinery | C |

10. AGRICULTURAL GENERAL ZONE BULK REQUIREMENTS

(1) TABLE FIVE-2 "AGRICULTURAL GENERAL ZONE BULK REQUIREMENTS" sets forth the bulk requirements for uses in the Agricultural General Zone in which they are permitted or conditional uses.

TABLE FIVE - 2

AGRICULTURAL GENERAL ZONE BULK REQUIREMENTS

| PERMITTED OR CONDITIONAL USES | ZONE | MINIMUM REQUIREMENTS | | | | |
|---|---|---|---|---|---|---|
| | | Site Area (Acres) | Site Width (ft) | Front Yard (a) (ft) | Side (a) Yard (b) (ft) | Rear (a) Yard (b) (ft) |
| Accessory Uses, Buildings and Structures | AG160 | NA | NA | 125 | 25 | 25 |
| Advertising Signs | AG160 | NA | NA | 125 | 5 | 5 |
| Agricultural Activities: | | | | | | |
| - General | AG160 | 160 | 1320 | 125 | 25 | 25 |
| - Livestock Production Operations | AG160 | 10 | 300 | 125 | 25 | 25 |
| - Specialized | AG160 | 2 | 200 | 125 | 25 | 25 |
| Agricultural Industries | AG160 | 2 | 200 | 125 (c) | 25 (c) | 25 (c) |
| Aircraft Landing Areas | AG160 | 20 | 200 | 125 | 50 | 50 |
| Non-Farm Dwellings | AG160 | 2 (d) | 200 | 125 | 25 | 25 |

TABLE FIVE - 2 (Cont'd)

AGRICULTURAL GENERAL ZONE BULK REQUIREMENTS

| PERMITTED OR CONDITIONAL USES | ZONE | MINIMUM REQUIREMENTS | | | | |
|---|---|---|---|---|---|---|
| | | Site Area (Acres) | Site Width (ft) | Front Yard (a) (ft) | Side (a) Yard (b) (ft) | Rear (a) Yard (b) (ft) |
| Sand and Gravel Operations as provided for in Subsection 11.(3) of this PART | AG160 | 2 | 200 | 125 | 25 (e) | 25 (e) |
| Waste Disposal Grounds and Sewage Lagoons | AG160 | 2 | 100 | 125 | 50 | 50 |
| Other Uses Listed in TABLE FIVE-1 | AG160 | 2 | 200 | 125 | 25 | 25 |

(2) Explanations and Exceptions Forming Part of Table Five-2

a) Buildings, structures and hedges adjacent to provincial roads, major provincial highways and centres of intersections of same shall have a setback in accordance with the Highway Protection Act and the Highway Department Act or as varied from time to time;

b) Where a side or rear yard abuts a Government Road Allowance, the minimum required yard shall be 125 feet;

c) Where a stationary anhydrous ammonia storage container is adjacent to a municipal road or a provincial highway, the minimum required yard shall be 300 feet;

d) The maximum site area of a non-farm dwelling site shall be 10 acres except where treed shelterbelts, fence lines or other similar physical features and natural topographic features define the area of an existing farm site greater than 10 acres, in which instance the greater site area shall apply; and

e) A minimum separation distance of 165 feet shall be provided between sand and gravel extraction operations and any dwelling, institution, personal care facility, eating establishment or building where accommodation is to be provided, other than that of the owner or operator of the sand and gravel operation.

## 11. OTHER PROVISIONS

### (1) Mutual Separation of Anhydrous Ammonia Storage Containers and Residences

a) In no instance shall a dwelling and a stationary anhydrous ammonia storage container be located within 350 feet of each other, except where the dwelling unit is that of the owner or operator of the anhydrous ammonia facility; and

b) In no instance shall a stationary anhydrous ammonia storage container be located within one-half (1/2) mile of a "GD" General Development Zone as provided for herein, or an area designated for "General Development" or "Mobile Home Park" purposes on Map II-1 of the Development Plan, or an area designated for "Residential" or "Mobile Home Park" purposes on Map 12 of the Development Plan or amendments thereto.

### (2) Livestock Production Operations

a) Any reference in this By-Law to Livestock Waste Units (L.W.U.) shall use TABLE FIVE-3 to determine the number of livestock waste units produced.

**TABLE FIVE - 3**

**LIVESTOCK WASTE UNITS (L.W.U.)**

| TYPE OF OPERATION | LIVESTOCK WASTE UNITS (L.W.U.) |
|---|---|
| **Dairy Cattle** | |
| 1 Milk Cow | 1.0 |
| 1 Milk Cow plus Dry Cows | 1.2 |
| 1 Milk Cow plus Dry Cows, replacement heifers, calves | 1.4 |
| **Beef Cattle** | |
| 1 Beef Animal of Feedlot Capacity | 0.36 |
| 1 Beef Cow plus replacement heifers, calves (All year Drylot Capacity) | 0.7 |
| 1 Beef Cow plus replacement heifers, calves (Winterlot Capacity) | 0.42 |
| 1 Beef Cow plus bulls, replacement heifers, calves (Summer pasture only) | 0.28 |
| **Swine** | |
| 1 Sow (Farrow-Finish) plus boars, replacement gilts, suckling pigs to market | 2.0 |
| 1 Sow (Farrow-Weanling) plus boars, replacement gilts, suckling pigs to 40 pounds | 0.8 |
| 1 Feeder Pig (40 pounds to market) Feeder Barn Capacity | 0.2 |

TABLE FIVE - 3 (Cont'd)

LIVESTOCK WASTE UNITS (L.W.U.)

| TYPE OF OPERATION | LIVESTOCK WASTE UNITS (L.W.U.) |
|---|---|
| **Chickens** | |
| 100 Laying Hens | 0.9 |
| 100 Chicken Broilers | 0.53 |
| 100 Hens Turkey Hens in Breeder Flock | 1.2 |
| **Turkeys** | |
| 100 Turkey Broilers | 0.85 |
| 100 Turkey Feeders | 1.5 |
| 100 Turkey Hens in Breeder Flock | 2.2 |
| **Ducks** | |
| 100 Ducks | 1.0 |
| **Geese** | |
| 100 Geese | 1.1 |
| **Horses** | |
| 1 Horse | 0.5 |
| **Sheep** | |
| 1 Ewe, plus rams, lambs | 0.1 |
| **Rabbits** | |
| 10 Does, plus Bucks, litters | 0.4 |

Example: To determine the number of waste units a livestock production operation produces, multiply the number of head by the L.W.U. in that category: Eg. 20 milk cows plus dry cows X 1.2 L.W.U. per head = 24 livestock waste units.

b) Livestock production operations falling within the following categories and as determined through the use of TABLE FIVE-3 of this PART shall be deemed to be conditional uses:

i) Operations producing wastes in excess of twenty (20) L.W.U. and located within fifteen hundred (1500) feet of any residential area, school, eating establishment, grocery store, campground or dwelling;

ii) Operations producing wastes in excess of 50 L.W.U. and located or spreading manure within one-half (1/2) mile of any residential area;

iii) Operations producing wastes in excess of 100 L.W.U. and located or spreading manure within one (1) mile of any residential area; and

iv) Operations producing wastes in excess of 200 L.W.U. and located or spreading manure within two (2) miles of any residential area.

c) For the purposes of this Section, "residential area" means any "GD" General Development Zone as provided for herein, or any area designated as "Rural Residential", "General Development" or "Mobile Home Park" on Map II-1 of the Development Plan or as "Residential" or "Mobile Home Park" on Map 12 of the Development Plan or amendments thereto.

d) Except for dwellings of owner/operators of livestock production operations, any new dwelling provided for in this PART that is located within fifteen hundred (1500) feet of a livestock production operation producing wastes in excess of twenty (20) L.W.U.'s shall be deemed a conditional use under this By-Law.

e) When considering an application for a conditional use to establish a new or to enlarge an existing livestock production operation as a conditional use pursuant to Section 4 of PART TWO - "ADMINISTRATION", Council shall consider such factors as:

i) The type of operation;

ii) The size of the operation, including the maximum number of animals;

iii) The manure management system, including the handling, storage and disposal of manure;

iv) Reports from various Government Departments including Agriculture, Environment and Natural Resources. (This may include a letter of acceptance from the Environmental Control Branch within a prescribed time period);

v) Documentation of an agreement for the use of additional land for waste disposal over and above that owned by the appliant shall be a condition where applicable; and

vi) Whether or not the operation will have a detrimental effect on neighbouring land uses.

f) In no case shall the manure from a livestock production operation be disposed of within one hundred (100) feet of the ordinary high water mark of any creek, drain or body of water.

g) The maximum number of L.W.U.'s for small holdings associated with non-farm dwellings as provided for in Table Five-1 shall be one (1) L.W.U. per acre, up to a maximum of ten (10) L.W.U.'s per holding.

11. (3) Sand and Gravel Operations

a) Sand and gravel operations shall be subject to the conditions imposed on them by Council through consultation with appropriate provincial authorities;

b) An application for a sand and gravel extraction operation shall include the submission of a site plan showing the manner in which extraction or development will occur, and the proposed use(s) of the area after the extraction operation has been totally or partially mined to depletion;

c) The minimum front, side and rear yard requirements for sand and gravel operations as established in Table FIVE-2 of this PART shall also apply to the stockpiling of extracted material on the sand and gravel pit site; and

d) A minumum separation distance of one hundred and sixty-five (165) feet shall be provided between any dwelling, care facility or institution, and any sand and gravel resource assigned a "Stop" or "Caution" status on Development Plan Map C, Appendix A - "Aggregate Resources", unless the applicant can demonstrate to Council's satisfaction through scientific testing methods that the extent of the sand and gravel resource is other than that which is indicated on said Map C, in which case the minimum separation distance shall be one hundred and sixty-five (165) feet from the newly-defined limit of the resource.

# PART SIX

## GENERAL DEVELOPMENT ZONE

1. INTENT AND PURPOSE

The General Development Zone established in this By-Law provides for the development of the established rural settlements in keeping with the provisions of the Development Plan. In order to carry out the intent and purpose of this Section, the following zone is hereby established:

(1) "GD" - GENERAL DEVELOPMENT ZONE.

This zone provides for a mix of residential, industrial, commercial, recreational and institutional uses in an orderly and compatible manner as identified in the Development Plan.

2. GENERAL PROVISIONS

The general provisions applying to the General Development Zone are contained within this PART. Also applying to this PART are the provisions of PART ONE - "DEFINITIONS", PART TWO - "ADMINISTRATION", PART THREE - "GENERAL PROVISIONS", PART FOUR - "ZONES", and "APPENDIX A".

3. ACCESSORY USES, BUILDINGS AND STRUCTURES

(1) In the General Development Zone, accessory uses, buildings, or structures include the following:

a) A children's playhouse, garden house, private greenhouse, summer house, private conservatory and private swimming pools, open or enclosed;

b) A private garage, carport, covered patio, toolhouse, shed or other similar building;

c) Incinerators subject to the approval of the authority having jurisdiction;

d) Accessory signs as permitted and regulated in Section 9 of this PART and Section 12 of PART THREE - "GENERAL PROVISIONS";

e) Private communications utilities such as television and radio antennas, aerials or satellite dish antennas in accordance with the requirments of Section 11 in PART THREE - "GENERAL PROVISIONS", and other private utilities;

f) Home occupations; and

g) The production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally inci-

dental to a business or personal service if conducted by the same owner as the principal use.

(2) Accessory Buildings, Structures and Uses

Accessory buildings, structures and uses, except as otherwise regulated in this By-Law, shall be subject to the following regulations:

a) Where the accessory building or structure is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-Law applicable to the main building or structure;

b) Detached accessory buildings or structures shall not be located in any front yard of the principal use except as provided for elsewhere herein;

c) In no instance shall an accessory building or structure be located within a dedicated easement right-of-way; and

d) No accessory building or structure shall be erected prior to the erection of the main building or structure except where it is necessary for the storage of tools and materials for use during construction of the main building or structure.

4. HOME OCCUPATIONS

(1) Not more than forty (40) percent of the gross floor area shall be devoted to home occupations in any dwelling unit or mobile home in the General Development Zone.

(2) One hundred (100) percent of the gross floor area in accessory buildings may be devoted to home occupations in the General Development Zone.

(3) Business signs for home occupations when either free-standing or affixed to an exterior wall of a main or accessory building shall not exceed eight (8) square feet in surface area.

5. PROJECTIONS INTO REQUIRED YARDS

Architectural features, including eaves, chimneys, fire escapes and open, unenclosed stairways, balconies, porches and platforms not covered by a roof or canopy may project into any required yard up to a maximum of fifty (50) percent of the affected required yard.

6. NOXIOUS OR OFFENSIVE USES

Notwithstanding anything herein contained, no use shall be permitted in the General Development Zone where that use may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise.

7. ONLY ONE DWELLING ON A SITE

Not more than one (1) one-family dwelling, or one (1) mobile home, or one (1) modular home and their accessory buildings or structures shall be permitted on one site.

8. MULTIPLE USES

Except as provided for in Section 7 of this PART, any land or building in the General Development Zone may be used for more than one (1) principal use provided the requirements of Section 4 of PART THREE - "GENERAL PROVISIONS" are met.

9. SIGN REGULATIONS

(1) The following signs shall be permitted in the General Development Zone:

a) Signs posted by duly constituted public authorities in the performance of their public duties;

b) Flags or emblems of a political, civic, educational or religious organization;

c) Temporary signs as may be authorized by Council;

d) "No Trespassing" or identification signs not exceeding three (3) square feet;

e) Construction signs when placed on construction sites and not exceeding twenty-five (25) square feet;

f) Signs required for direction and convenience of the public, including signs which identify rest rooms or parking entrances or exits, not exceeding five (5) square feet;

g) Real estate signs not exceeding ten (10) square feet which advertise the sale, rental or lease of a building, structure, site, or part thereof;

h) Business signs not exceeding eight (8) square feet and not closer than two (2) feet from any site line, except as provided for in Subsection (2) of this Section; and

i) Bulletin boards (fixed or mobile) not exceeding thirty-two (32) square feet and not closer than two (2) feet from any site line.

(2) Business and advertising signs (fixed or mobile) not exceeding thirty-two (32) square feet and not closer than two (2) feet from any site line shall be permitted on a site where the principal use is commercial or industrial.

(3) In addition to the sign regulations of this PART, the provisions of Section 12, of PART THREE - "GENERAL PROVISIONS" shall apply to signs in the General Development Zone.

10. GENERAL DEVELOPMENT ZONE USES TABLE

(1) TABLE SIX - 1 "GENERAL DEVELOPMENT ZONE USES" lists all uses that are:

a) "P" - Permitted; and

b) "C" - Conditional

in the General Development Zone. All listed uses are subject to the provisions contained herein.

TABLE SIX - 1

GENERAL DEVELOPMENT ZONE USES

| LEGEND: P - Permitted C - Conditional | ZONE |
|---|---|
| USE | GD |
| Accessory Uses, Buildings and Structures (See Sections 3 and 4 of this Part) | P |
| Advertising Signs (See Subsection 9(2) of this Part) | P |
| Automobile, Boat and Trailer Sales and Service | P |
| Automobile Service Stations, Laundries, Repairs and Sales of New and Used Vehicles | P |
| Banquet Halls | P |
| Bakeries | P |
| Boarding, Rooming and Lodging Houses | P |
| Bulk Fertilizer, Sales and Storage, excluding Anhydrous Ammonia | C |
| Bulk Fuel Oil, Sales and Storage | C |
| Bus Stations | C |
| Carpentry and Woodworking Shops, excluding wholesale manufacturing, in a completely enclosed building | P |
| Child Care Services | |
| Home Day Care | P |
| Group Day Care | P |

## TABLE SIX - 1 (cont'd)

### GENERAL DEVELOPMENT ZONE USES

| LEGEND: P - Permitted<br>C - Conditional | ZONE |
|---|---|
| USE | GD |
| Churches | P |
| Community Centres and Clubs | P |
| Contractor's Establishments<br>Open<br>Enclosed(a) | C<br>P |
| Dwellings:<br>Single and Two-Family Dwellings<br>Mobile Homes and Modular Homes<br>Dwellings located at the rear or above a commercial or industrial building(b) | P<br>P<br>P |
| Farm Implement Sales and Service | P |
| Fire and Police Stations | P |
| Government Offices | P |
| Grain Elevators | C |
| Grocery Stores | P |
| Hospitals | P |
| Hotels and Motels | P |
| Laundries and Personal Dry Cleaning | P |
| Libraries and Museums | P |
| Lumber Yards<br>Open<br>Enclosed(a) | C<br>P |
| Machine and Welding Shops | C |

(a) Only when the storage of materials is within completely enclosed buildings.

(b) Where a dwelling is contained in a commercial or industrial building, at least one-half of the first floor of such building must be used for commercial or industrial purposes.

TABLE SIX - 1 (cont'd)

GENERAL DEVELOPMENT ZONE USES

| LEGEND: P - Permitted<br>C - Conditional | ZONE |
|---|---|
| USE. | GD |
| Moving, Storage and Warehousing | C |
| Parks and Playgrounds | P |
| Personal Services | P |
| Private Clubs and Lodges | P |
| Public Utilities | I |
| Recreation Facilities (Private bowling alleys, cinemas, and like private facilities) | P |
| Retail Services | P |
| Residential Care Facilities within a permitted or conditionally approved dwelling unit and where the owner or operator of the facility is a permanent resident thereof for:<br>- 4 or fewer children who are post-mentally ill, mentally retarded or otherwise developmentally disabled, or who are wards of or under a child-caring agency as defined by the Child Welfare Act. | P |
| - 10 or fewer persons as provided above | C |
| Restaurants and Drive-In Eating Places | P |
| Schools | P |
| Snowmobile, Motorcycle, Trailers, Campers and other Recreational Vehicles and Motorized Appliance Sales and Service | P |
| Truck Terminals | C |
| Wholesale Office Sales and Storage | P |

11. GENERAL DEVELOPMENT ZONE BULK REQUIREMENTS

(1) TABLE SIX - 2, GENERAL DEVELOPMENT ZONE BULK REQUIREMENTS" sets forth the bulk requirements for uses in the General Development Zone in which they are permitted or conditional uses.

TABLE SIX - 2

GENERAL DEVELOPMENT ZONE BULK REQUIREMENTS

| PERMITTED OR CONDITIONAL USES | Zone | MINIMUM REQUIREMENTS | | | | |
|---|---|---|---|---|---|---|
| | | Site Area (sq.ft.) | Site Width (ft.) | Front Yard (ft.) | Side Yard (ft.) | Rear Yard (ft.) |
| Accessory Uses, Buildings and Structures (a) | GD | NA | NA | 30 (d) | 15 | 15 |
| Dwellings: Single-Family(b) | GD | 15,000 | 100 | 30 | 15 | 15 |
| Two-Family (b) | GD | 30,000 | 150 | 30 | 15 | 15 |
| Mobile Home and Modular Home(b) | GD | 15,000 | 100 | 30 | 15 | 15 |
| Other Uses Listed in Table SIX-1 (a)(c) | GD | 15,000 | 100 | 30 | 15 | 15 |

(2) Explanations and Exceptions Forming Part of TABLE SIX-2

(a) The minimum building separation for accessory buildings and structures and for other uses listed in TABLE SIX - 1 shall be 4 feet;

(b) The minimum floor area of a single-family dwelling, two-family dwelling, mobile home, or modular home shall be 600 square feet for each dwelling unit;

(c) The minimum floor area of a dwelling unit which is accessory to a commercial or industrial use shall be 400 square feet; and

(d) The minimum required front yard for gas pumps shall be 20 feet.

12. PARKING REQUIREMENTS

(1) A minimum of one (1) on-site parking space shall be provided for each dwelling unit in the General Development Zone.

(2) For all other uses, the number of on-site parking spaces required shall be provided as follows:

a) one (1) parking space for each unit in a hotel or motel; and

b) one (1) parking space for every 1,000 square feet of floor area for all other uses.

13. OUTSIDE STORAGE

(1) In the General Development Zone, outside storage of goods and materials incidental to a commercial or industrial use shall be permitted, provided that:

(a) such storage is not located in any required front yard, except for the display of new and used vehicles, farm implements, recreational vehicles, campers and boats;

(b) On a site adjacent to a residential area, dwelling unit, modular home or a mobile home, outside storage shall be effectively screened from the view of the adjacent residence by a wall, fence or hedge, unless it can be demonstrated to Council's satisfaction that such storage will not be obnoxious or detrimental to the adjacent residential area, dwelling unit, or modular home or mobile home; and

(c) The storage shall not project above the height of the wall, fence or hedge.

14. SEPARATION FROM SAND AND GRAVEL RESOURCES

(1) A minimum separation distance of five hundred (500) feet shall be provided between land to be zoned for "GD" - General Development purposes or land to be subdivided for the purpose of establishing a dwelling, care facility, eating establishment, or building where accommodation is to be provided, and any aggregate resource deposit assigned a "Stop" or "Caution" development status on Development Plan Map C, APPENDIX A - "AGGREGATE RESOURCES", except:

a) Where the applicant can demonstrate to the satisfaction of Council and the Department of Energy and Mines that, through scientific testing methods, the extent of the aggregate deposit is other than that which is indicated on said Map C, in which case the minimum separation distance shall be five hundred (500) feet from the newly-defined limit of the deposit; or

b) Where a suitable buffer, acceptable to Council and the Department of Energy and Mines, is included as part of the proposed development, in which case the minimum separation distance may be reduced to not less than two hundred and fifty (250) feet.

(2) An acceptable buffer, as provided for in paragraph (1)b) above, may include one or more of the following features:

a) earthen berms;
b) impenetrable fences; and/or
c) dense tree screens.

(3) In assessing the adequacy of a proposed buffer as provided for in subsections (1) and (2) above, the Council, in consultation with the Department of Energy and Mines, shall consider such factors as:

a) The type of existing or proposed aggregate operation, including its production volumes, mining and processing equipment, traffic volumes and layout;

b) The depth and extent of the aggregate deposit;

c) Whether the aggregate operation is of an ongoing or intermittent nature;

d) The slope requirements for rehabilitation of the gravel pit;

e) The topographic relief of the area;

f) The hours of operation of the gravel pit; and

g) The existing or proposed location(s) of stockpiles and equipment.

(4) Where land has been zoned and subdivided for "GD" General Development purposes prior to the adoption date of this By-law, a minimum separation distance of one hundred and sixty-five (165) feet shall be provided between any new dwelling, care facility, institution, eating establishment, or building where accommodation is to be provided, and any aggregate resource deposit assigned a "Stop" or "Caution" development status on Development Plan Map C, APPENDIX A-"AGGREGATE RESOURCES", unless the applicant can demonstrate to the satisfaction of Council and the Department of Energy and Mines that, through scientific testing methods, the extent of the aggregate deposit is other than that which is indicated on said Map C, in which case the minimum separation distance shall be one hundred and sixty-five (165) feet from the newly-defined limit of the deposit.

# PART SEVEN

## COMMERCIAL AGRICULTURE ZONE

1. INTENT AND PURPOSE

The Commercial Agriculture Zone established in this By-Law is intended to provide sufficient land in suitable locations to meet the needs of agriculture-related commercial development in keeping with the provisions of the Development Plan. In order to carry out the intent and purpose of this Section, the following zone is hereby established:

(1) "CA" COMMERCIAL AGRICULTURE ZONE.

This zone provides for agricultural-related commercial uses which may otherwise be unsuitable for location in an urban area and which do not require a high level of service as typically provided in an urban area.

2. GENERAL PROVISIONS

The general provisions applying to the COMMERCIAL AGRICULTURE ZONE are contained within this PART. Also applying to this zone are the provisions of PART ONE - "DEFINITIONS", PART TWO - "ADMINISTRATION", PART THREE - "GENERAL PROVISIONS", PART FOUR - "ZONES" and "APPENDIX A".

3. ACCESSORY USES, BUILDINGS OR STRUCTURES

(1) In the Commercial Agriculture Zone, accessory uses, buildings, or structures include the following:

a) incinerators subject to the authority having jurisdiction;

b) the production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to a business and personal service and business occupancies if conducted by the same owner as the principal use;

c) accessory off-street parking and loading areas;

d) accessory signs as permitted and regulated in Section 8 of this PART;

e) single-family dwellings or mobile homes where necessary to house a caretaker or owner and his family; and

f) private communication utilities such as television and radio antennas, aerials or satellite dish antennas in accordance with the requirements of Section 11 of PART THREE - "GENERAL PROVISIONS", and other private utilities.

(2) Accessory buildings, structures and uses, except as otherwise regulated in this By-Law, shall be subject to the following regulations:

a) Where the accessory building or structure is attached to a main building or structure, it shall be subject to, and shall conform to, all regulations of this By-Law applicable to the main building or structure.

b) Detached accessory buildings or structures shall not be located in any front yard of the principal use, except as provided for elsewhere herein;

c) In no instance shall an accessory building or structure be located within a dedicated easement right-of-way; and

d) No accessory building or structure shall be erected prior to the erection of the main building or structure except where it is necessary for the storage of tools and materials for use during construction of the main building or structure.

4. **PROJECTIONS INTO REQUIRED YARDS**

Required yards shall be provided and maintained in accordance with the provisions of this PART and shall be unobstructed from ground level to the sky, except as follows:

a) Architectural features including eaves, chimneys, fire escapes and open, unenclosed stairways, balconies, porches and platforms not covered by a roof or canopy may project into any required yard up to a maximum of fifty (50) percent of the affected required yard; and

b) Name plates and signs, as permitted and regulated in this PART, shall be allowed in any required front, side or rear yard.

5. **NOXIOUS OR OFFENSIVE USES**

Notwithstanding anything herein contained, no use shall be permitted in any zone under this PART which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise.

6. **MULTIPLE USES**

Any land or building in the Commercial Agriculture Zone may be used for more than one (1) principal use, provided the requirements of Section 4 of PART THREE - "GENERAL PROVISIONS" are met.

7. **PARKING FOR COMMERCIAL USE**

Parking shall be permitted in any required yard for all uses.

8. SIGN REGULATIONS

(1) The following signs shall be permitted in the Commerical Agriculture Zone:

a) Identification or business signs attached to the main building;

b) One free-standing identification or business sign may be located in any required yard for each permitted or conditional use; and

c) Advertising signs not exceeding one hundred (100) square feet and not located closer than two (2) feet from any site line.

(2) Free-standing signs (fixed or mobile) shall not be located closer than two (2) feet from any site line.

(3) The placing of advertising, business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority.

(4) The following signs shall not be subject to the provisions of this PART, except wherein otherwise noted:

a) Signs posted by duly constituted public authorities in the performance of their public duties;

b) Flags or emblems of a political, civic, educational or religious organization;

c) "No Trespassing" signs;

d) Construction signs when placed on construction sites;

e) Signs required for direction and convenience of the public, including signs which identify restrooms or parking entrances or exits; and

f) Real estate signs which advertise the sale, rental or lease of a building, structure, site, or part thereof.

(5) In addition to the sign regulations of this PART, the provisions of Section 12 of PART THREE - "GENERAL PROVISIONS" shall apply to signs in the Commercial Agriculture Zone.

9. COMMERCIAL AGRICULTURE ZONE USES TABLE

TABLE SEVEN-1 "COMMERCIAL AGRICULTURE ZONE USES" lists all uses that are:

a) "P" - Permitted; and
b) "C" - Conditional

in the Commercial Agriculture Zone. All listed uses are subject to the provisions contained herein.

**TABLE SEVEN - 1**

**COMMERCIAL AGRICULTURE ZONE USES**

| LEGEND: P - Permitted<br>C - Conditional | ZONE |
|---|---|
| USE | CA |
| Accessory Uses, Buildings and Structures (See Section 3 of this PART) | P |
| Advertising Signs (See Section 8 of this PART) | P |
| Animal Feed, Sales, Distribution and Storage | P |
| Auction Marts:<br>a) excluding livestock<br>b) including livestock | P<br>C |
| Welding Shops | P |
| Fertilizers:<br>a) sales, distribution and storage (liquids and solids only)<br>b) anhydrous ammonia storage and sales | P<br>C |
| Public Utilities | P |
| Seed Supplies:<br>a) cleaning and drying plants<br>b) distribution, sales and storage | P<br>P |
| Truck and Farm Implement and Machine Sales and Repair Shops(a) | P |
| Veterinary Clinics and Hospitals | P |

(a) the storage of derelict or wrecked vehicles and trailers is not permitted.

10. COMMERCIAL AGRICULTURE ZONE BULK REQUIREMENTS

(1) TABLE SEVEN - 2 "COMMERCIAL AGRICULTURE ZONE BULK REQUIREMENTS" sets forth the bulk requirements for uses in the Commercial Agriculture Zone in which they are permitted or conditional uses.

TABLE SEVEN - 2

COMMERCIAL AGRICULTURE ZONE BULK REQUIREMENTS

| USE | ZONE | MINIMUM REQUIREMENTS | | | | |
|---|---|---|---|---|---|---|
| | | Site Area (acres) | Site Width (ft.) | Front(a) Yard (ft.) | Side(a) Yard (ft.) | Rear(a) Yard (ft.) |
| Accessory Uses, Buildings and Structures | CA | NA | NA | 40 (c) | 15 | 15 |
| Advertising Signs | CA | NA | NA | (b) | (b) | (b) |
| All other uses (b) | CA | 1.0 | 150 | 40 | 15 | 15 |

(2) Explanations and Exceptions Forming Part of TABLE SEVEN - 2

a) i) Where the site abuts a highway, the minimum yard requirement shall be in conformance with the regulations of the authority having jurisdiction.

ii) Where the site abuts a Municipal Road Allowance, except where a service road is provided adjacent to the Road Allowance, the minimum yard requirement shall be 125 feet.

b) i) Where the front, side or rear yard of a site containing a stationary anhydrous ammonia storage container is adjacent to a municipal road or a provincial highway, the minimum yard requirement shall be 300 feet.

ii) The requirements for advertising signs are as provided for in Section 8 of this PART.

c) The minimum front yard requirement for gas pumps shall be 20 feet.

11. OTHER PROVISIONS

(1) Location of Buildings and Yards

Except as herein provided, the following special provisions shall apply in the Commercial Agriculture Zone to ensure adequate site and yard requirements:

a) No building or structure shall be located on a corner site in such a manner as to reduce the front yard requirement on the street on which such corner site has its frontage; and

b) All yards and other open spaces required for any use shall be located on the same site as the use.

(2) Separation of Anhydrous Ammonia Storage Containers From Residences

a) In no instance shall a stationary anhydrous ammonia storage container be located within three hundred and fifty (350) feet of a residence or dwelling other than that of the owner or operator; and

b) In no instance shall a stationary anhydrous ammonia storage container be located within one-half (1/2) mile of a "GD" General Development Zone as provided for herein, or an area designated for "Rural Residential" or "Mobile Home Park" purposes on Development Plan Map II-1 or for "Residential" or "Mobile Home Park" purposes on Development Plan Map 12, or amendments thereto.

(3) Outside Storage

In the Commercial Agriculture Zone, outside storage of goods and materials incidential to a permitted or conditional use shall be permitted, provided that such storage is not located in any required front yard, except for the display of new and used vehicles and farm implements.

DONE AND PASSED in Council duly assembled this 8th day of JUNE A.D. 1987.

The Rural Municipality of Elton

"D H. HEENEY"

Reeve

"J. ISABEL TAYLOR"

Secretary-Treasurer

READ A FIRST TIME this 11th day of MAY A.D., 1987.

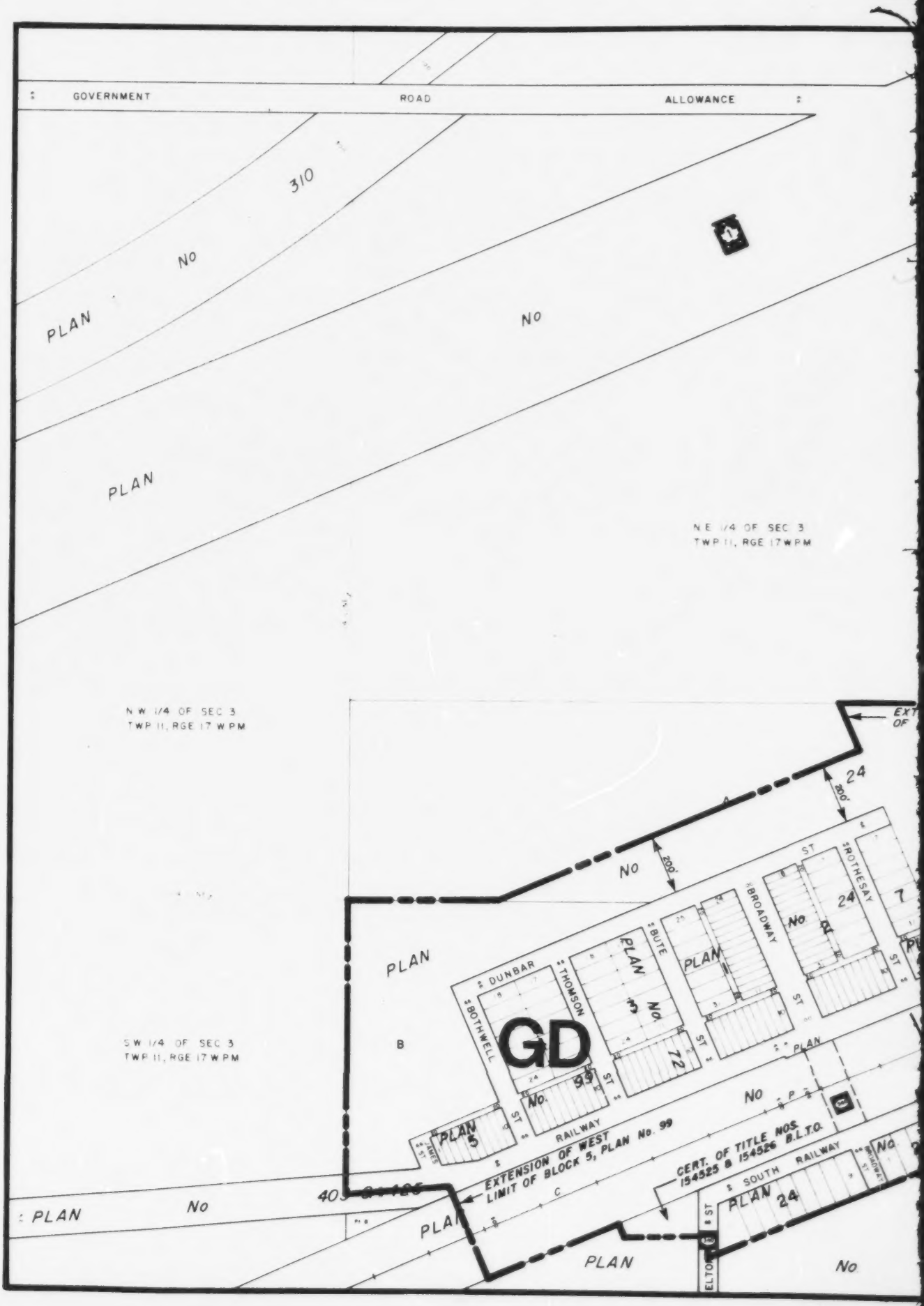
READ A SECOND TIME THIS 8th day of JUNE A.D., 1987.

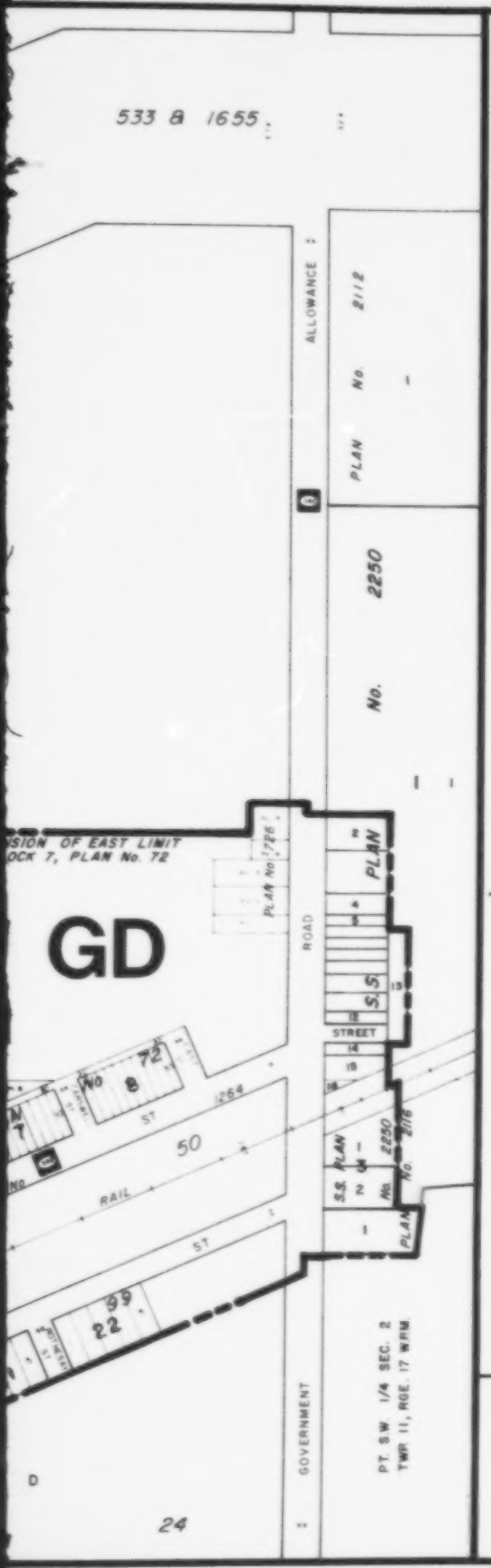
READ A THIRD TIME THIS 8th day of JUNE A.D., 1987.

I, J. Isabel Taylor, Secretary-Treasurer of the Rural Municipality of Elton, do hereby certify that the above is a true and correct copy of By-law No. 1024 passed at a meeting of Council of the R.M. of Elton on JUNE 8th 1987.

J. Isabel Taylor

Secretary-Treasurer


GOVERNMENT ROAD ALLOWANCE
310
NO
PLAN
PLAN
NO
N E 1/4 OF SEC 3
TWP 11, RGE 17 W P M
N W 1/4 OF SEC 3
TWP 11, RGE 17 W P M
S W 1/4 OF SEC 3
TWP 11, RGE 17 W P M
EXT OF
24
200'
NO
200'
PLAN
B
GD
DUNBAR
THOMSON
BUTE
BROADWAY
ROTHESAY
BOTHWELL
PLAN 3
PLAN
No 99
No 72
No 24
No 7
ST
RAILWAY
PLAN 5
JAMES ST
EXTENSION OF WEST LIMIT OF BLOCK 5, PLAN No. 99
CERT. OF TITLE NOS. 154525 & 154526 B.L.T.O.
SOUTH RAILWAY
PLAN 24
NO
PLAN
No
PLAN
PLAN
No




# Rural Municipality Of Elton

# DOUGLAS

## Appendix "A"

## ZONING MAP TWO OF BY-LAW NO. 1024

LEGEND

"GD" GENERAL DEVELOPMENT ZONE

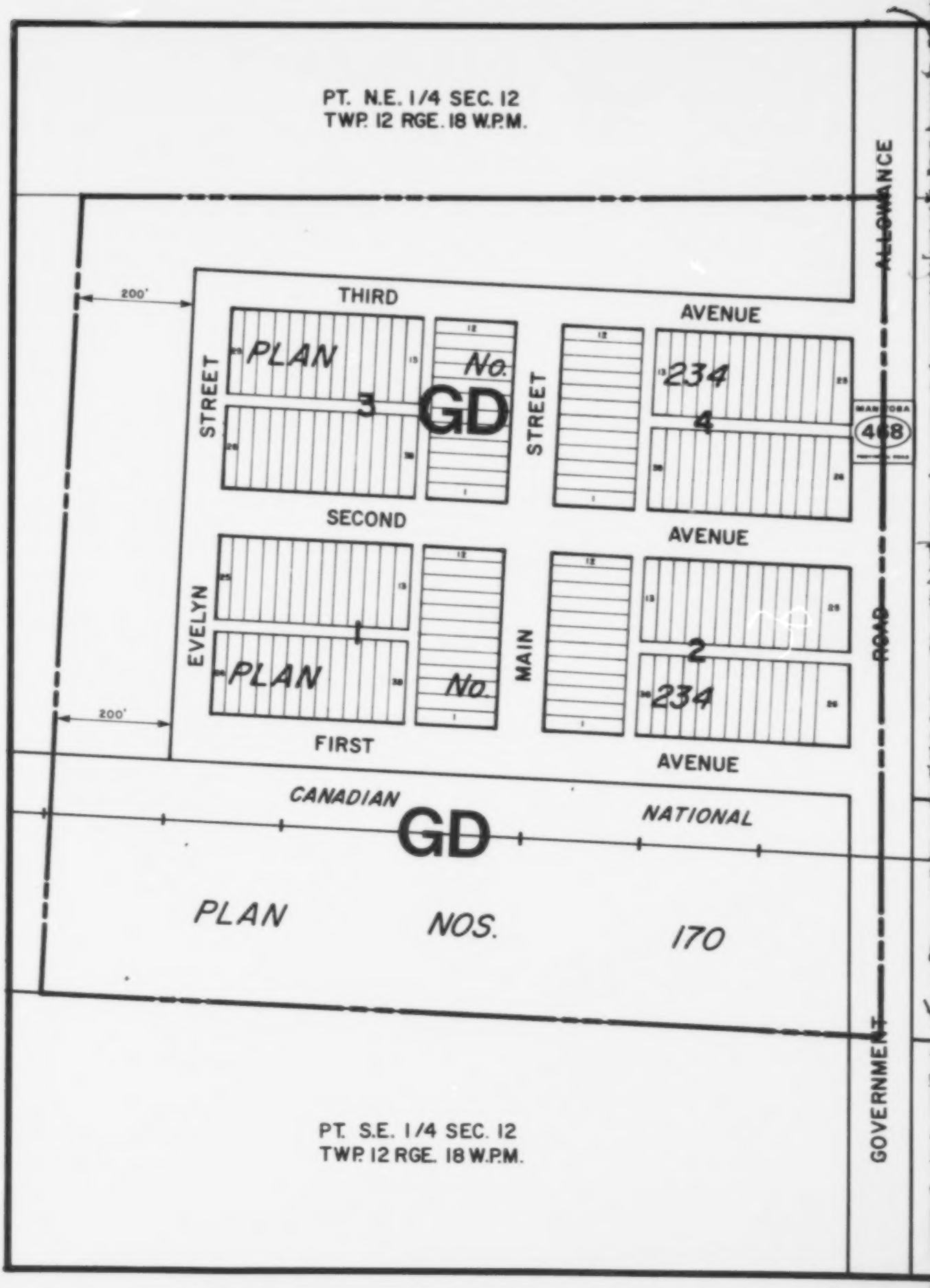
LIMITS OF THE ZONING MAP

**Manitoba**
**Municipal Affairs**
Municipal Planning

400 200 0 400 800
SCALE IN FEET

## ZONING MAP TWO

124/910-57-105A


PT. N.E. 1/4 SEC. 12
TWP. 12 RGE. 18 W.P.M.
ALLOWANCE
200'
THIRD
AVENUE
STREET
PLAN
No.
3
GD
STREET
234
4
MANITOBA
468
SECOND
AVENUE
EVELYN
1
MAIN
2
PLAN
No.
234
200'
FIRST
AVENUE
ROAD
CANADIAN
GD
NATIONAL
PLAN
NOS.
170
GOVERNMENT
PT. S.E. 1/4 SEC. 12
TWP. 12 RGE. 18 W.P.M.

PT. N.W. 1/4 SEC. 7
TWP. 12, RGE. 17 W.P.M.

PT. S.W. 1/4 SEC. 7
TWP. 12 RGE. 17 W.P.M.

/LWAY

355

PT. S.W. 1/4 SEC. 7
TWP. 12, RGE. 17 W.P.M.

# Rural Municipality Of Elton

# JUSTICE

## Appendix "A"

## ZONING MAP THREE OF BY-LAW NO. 1024

LEGEND

"GD" GENERAL DEVELOPMENT ZONE

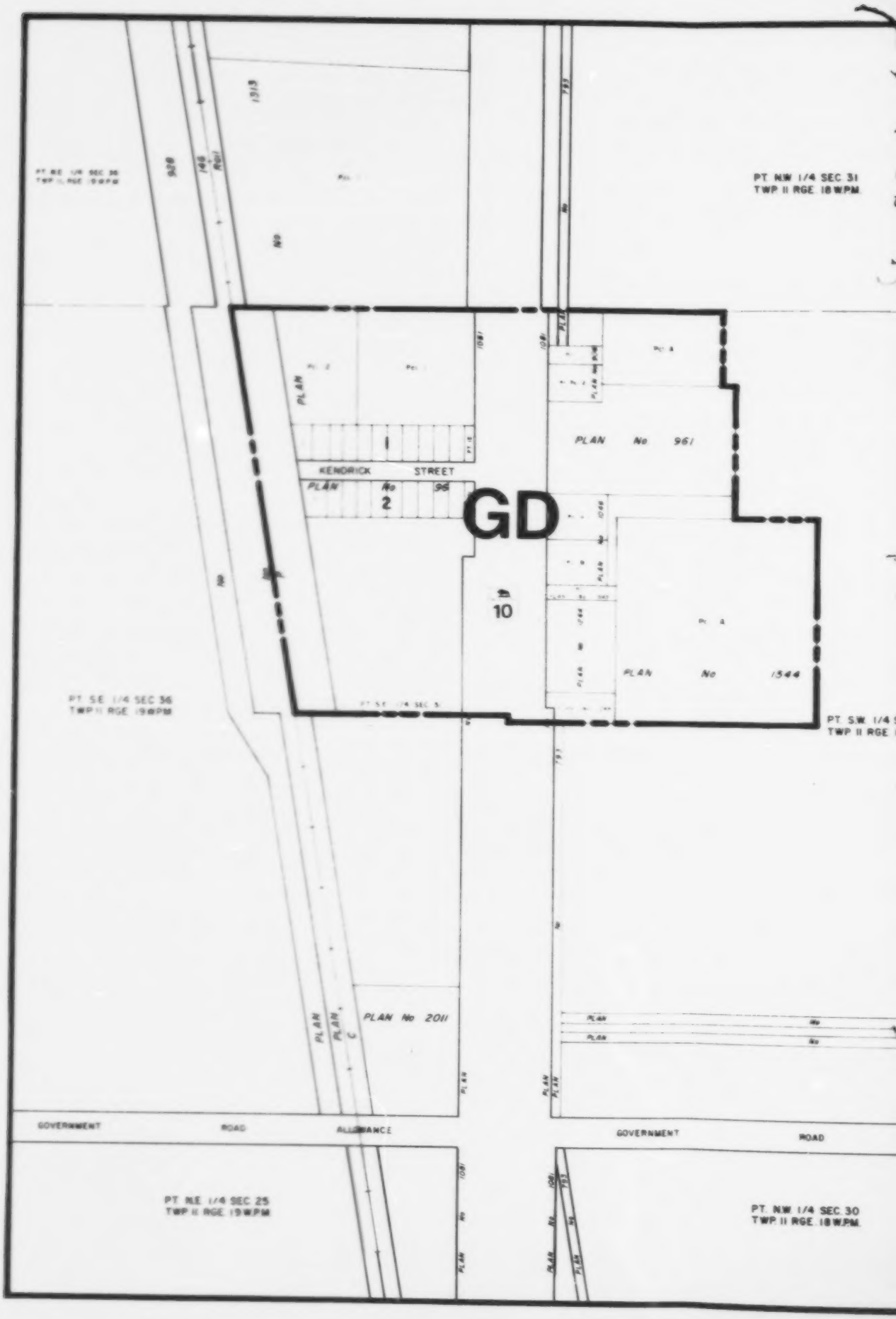
——— LIMITS OF THE ZONING MAP

**Manitoba**
**Municipal Affairs**
Municipal Planning

200 100 0 200 400
SCALE IN FEET

## ZONING MAP THREE

124/910-57-108A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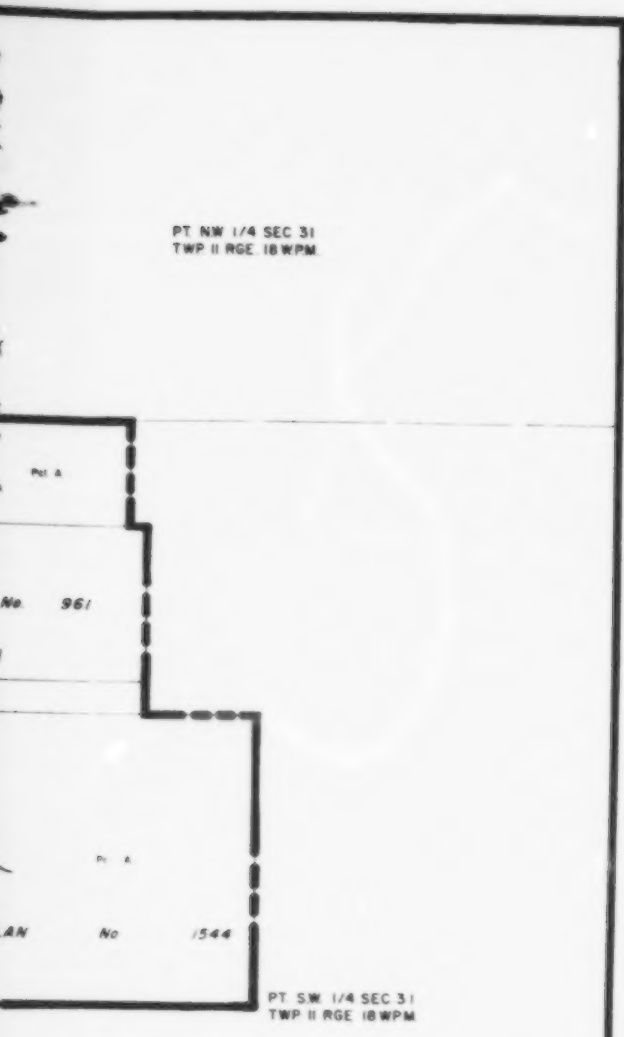
TWP II RGE 18 W.P.M.
PLAN
KENDRICK STREET
PLAN No 2 96
PLAN No 961
GD
10
PLAN No 1544
PT. SE 1/4 SEC 36
TWP II RGE 19 W.P.M.
PLAN No 2011
GOVERNMENT ROAD ALLOWANCE
GOVERNMENT ROAD
PT. NE 1/4 SEC 25
TWP II RGE 19 W.P.M.
PT. NW 1/4 SEC 30
TWP II RGE 18 W.P.M.




# Rural Municipality Of Elton

# FORREST

## Appendix "A"

## ZONING MAP FOUR OF BY-LAW NO. 1024

### LEGEND

"GD" GENERAL DEVELOPMENT ZONE

———— LIMITS OF THE ZONING MAP

**Manitoba**
**Municipal Affairs**
Municipal Planning

400 200 0 400 800

SCALE IN FEET

## ZONING MAP FOUR

124/910-57 - 107A

MUNICIPALITY OF SASKATCHEWAN

MUNICIPALITY OF ODANAH

MUNICIPALITY OF DALY

TP 12

TP 11

AG 160

AG 160

AG 160

AG 160

JUSTICE

SEE ZONING MAP THREE

SEE ZONING MAP FOUR

FORREST

CNR

CPR

25

270

10

353

468

561

MUNICIPALITY OF ODANAH

353

36 31 36 31 36

353 353

10

468

**AG 160**

JUSTICE

SEE ZONING MAP THREE

CNR

561

1 6 1 6

561

SEE ZONING MAP FOUR

36 31 36 31 36

FORREST

468

**AG 160**

10

CPR

MUNICIPALITY OF NORTH CYPRESS

# Rural Municipality Of Elton

## Appendix "A"

## ZONING MAP ONE OF BY-LAW NO. 1024

LEGEND

| | |
|---|---|
| "AG 160" | AGRICULTURAL GENERAL ZONE |
| "CA" | COMMERCIAL AGRICULTURE ZONE |
| ——— | LIMITS OF THE ZONE |
| - - - - | LIMITS OF THE ZONING MAP |

TP12

25

270

AG 160

CPR

10

CNR

468

AG 160

JUSTICE

SEE ZONING MAP THREE

CNR

561

MUNICIPALITY OF DALY

CPR

561

SEE ZONING MAP FOUR

FORREST

270

AG 160

10

468

AG 160

TP11

CNR

BRANDON

1000.04'

957.01'

535.62'

CA

1504.4'

1357'

SEE ZONING MAP TWO

Bogoy

1

468

340

DOUGLAS

MUN. OF WHITEHEAD

R.19W

MUNICIPALITY OF CORNWALLIS

R.18W

R.17W

# AG 160

SEE ZONING MAP THREE

JUSTICE

SEE ZONING MAP FOUR

FORREST

# AG 160

SEE ZONING MAP TWO

DOUGLAS

MUNICIPALITY OF CORNWALLIS
R.18W

R.17W

MUNICIPALITY OF NORTH CYPRESS

# Appendix "A"

# ZONING MAP ONE OF BY-LAW NO. 1024

LEGEND

| | |
|---|---|
| "AG 160" | AGRICULTURAL GENERAL ZONE |
| "CA" | COMMERCIAL AGRICULTURE ZONE |
| ——— | LIMITS OF THE ZONE |
| — — — | LIMITS OF THE ZONING MAP |

**Manitoba**
**Municipal Affairs**
Municipal Planning

SCALE 1 1/2 0 1 2 IN MILES

## ZONING MAP ONE

124/910-57-104A